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WELSH STATUTORY INSTRUMENTS

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**2002 No. 919**

**The Registration of Social Care and Independent  
Health Care (Wales) Regulations 2002**

**PART I—  
GENERAL**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Registration of Social Care and Independent Health Care (Wales) Regulations 2002 and shall come into force on 1st April 2002.

(2) These Regulations apply in relation to Wales.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Care Standards Act 2000;

“the 1989 Act” means the Children Act 1989;

“applicant” means a person seeking to be registered;

“appropriate office of the National Assembly” means—

(a) in relation to a care home—

(i) if an office has been specified under regulation 48 of the Care Homes (Wales) Regulations 2002(1) for the area in which the care home is situated, that office;

(ii) in any other case, any office of the National Assembly;

(b) in relation to a children’s home—

(i) if an office has been specified under regulation 42 of the Children’s Homes (Wales) Regulations 2002(2) for the area in which the children’s home is situated, that office;

(ii) in any other case, any office of the National Assembly;

(c) in relation to an independent hospital or independent clinic—

(i) if an office has been specified under regulation 2(2) of the Private and Voluntary Health Care (Wales) Regulations 2002(3) for the area in which the independent hospital or independent clinic, as the case may be, is situated, that office;

(ii) in any other case, any office of the National Assembly;

(d) in relation to premises on which a person acts as a child minder or seeks to so act or a person provides day care or seeks to do so—

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(1) S.I.2002/324

(2) S.I. 2002/327

(3) S.I. 2002/325

- (i) if an office has been specified under regulation 2(2) of the Part XA Regulations 2002(4) for the area in which the premises are situated, that office;
- (ii) in any other case, any office of the National Assembly.

“holding company” has the meaning given to it by section 736 of the Companies Act 1985(5);

“National Assembly” means the National Assembly for Wales;

“organisation” means a body corporate;

“the Part XA Regulations” means the Child Minding and Day Care (Wales) Regulations 2002(6);

“placement plan” has the meaning given to it in regulation 12 (child’s placement plan) of the Children’s Homes (Wales) Regulations 2002;

“registered” means registered under Part II of the Act or Part XA of the 1989 Act, as the case may be;

“registered manager” means a person who is registered as the manager of an establishment;

“registered person” means a person who is the registered provider or registered manager in respect of an establishment;

“registered provider” means a person who is registered as a person carrying on an establishment;

“registration” means registration under Part II of the Act or Part XA of the 1989 Act as the case may be;

“relative”, in relation to any person, means—

- (a) the person’s spouse;
- (b) any parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of the person or the person’s spouse;
- (c) the spouse of any relative within sub-paragraph (b) of this definition;

and for the purpose of determining any such relationship a person’s step-child shall be treated as the person’s child, and references to “spouse” in relation to any person include a former spouse and a person who is living with the person as husband or wife;

“representative” means, in relation to a service user, a person, other than the registered person or a person employed at or for the purposes of the establishment, who with the service user’s express or implied consent takes an interest in the service user’s health and welfare;

“responsible individual” means an individual who is a director, manager, secretary or other officer of an organisation and is responsible for supervising the management of an establishment;

“responsible person” means—

- (a) where the applicant is an individual, the applicant;
- (b) where the applicant is an organisation, the responsible individual;

“service user” means any person who is to be provided with accommodation or services in an establishment;

“statement of purpose” means—

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(4) S.I. 2002/812

(5) 1985 c. 6; section 736 was substituted by section 144(1) of the Companies Act 1989 (c. 40).

(6) S.I. 2002/ 812

- (a) in relation to a care home, the written statement required to be compiled in relation to the care home in accordance with regulation 4(1) of the Care Homes (Wales) Regulations 2002;
- (b) in relation to a children's home, the written statement required to be compiled in relation to the children's home in accordance with regulation 4(1) of the Children's Homes (Wales) Regulations 2002;
- (c) in relation to an independent hospital or independent clinic, the written statement required to be compiled in relation to the independent hospital or independent clinic in accordance with regulation 5(1) of the Private and Voluntary Health Care (Wales) Regulations 2002;
- (d) in relation to the child minding or provision of day care for which a person applies for registration, the written statement required to be compiled in accordance with reg 3(1) of the Part XA Regulations;

“subsidiary” has the meaning given to it by section 736 of the Companies Act 1985.

(2) In these Regulations, unless the context otherwise requires, references to an establishment are to be construed as references—

- (a) in the case of an applicant, to the establishment or proposed establishment in respect of which he or she is seeking to be registered;
- (b) in the case of a registered person, to the establishment in respect of which he or she is registered.

(3) In these Regulations, a reference—

- (a) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number;
- (b) in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number;
- (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.