
WELSH STATUTORY INSTRUMENTS

2003 No. 781

The Residential Family Centres (Wales) Regulations 2003

**PART VI
MISCELLANEOUS**

Transitional Provisions

34.—(1) This regulation applies to any person who carries on a residential family centre and duly makes an application for registration before 31st December 2003 under Part II of the 2000 Act (“the unregistered provider”).

(2) Section 11(1), (5) and (6) of the 2000 Act will not apply to an unregistered provider in respect of the establishment —

- (a) until such time as the application is granted, either unconditionally or subject only to conditions which have been agreed in writing between the provider and the National Assembly; or
- (b) if the application is granted subject to conditions which have not been so agreed, or refused —
 - (i) if no appeal is brought, until the expiration of the period of 28 days after service on the provider of the National Assembly’s decision; or
 - (ii) if an appeal is brought, until it is determined or abandoned.

(3) This paragraph applies where —

- (a) the National Assembly applies to a justice of the peace for an order that section 11(1),(5) and (6) of the 2000 Act should apply to an unregistered provider and that paragraph (2) of this regulation should cease to apply to that unregistered provider; and
- (b) it appears to the justice that, unless the order is made, there will be a serious risk to a person’s life, health or well-being.

(4) Where paragraph (3) applies —

- (a) the justice may make the order referred to in that paragraph;
- (b) section 11 of the 2000 Act will apply to the unregistered provider,

and paragraph (2) of this regulation shall cease to apply to the unregistered provider, from the time when the order is made.

(5) Section 20(2), (4) and (5) of the 2000 Act will apply to any application made to a justice under paragraph (3), and to any order made under paragraph (4), as if the application or order (as the case may be) were made under section 20(1) of the 2000 Act and applied to the unregistered provider.