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WELSH STATUTORY INSTRUMENTS

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**2009 No. 2541**

The Children Act 1989, Care Standards Act  
2000 and Adoption and Children Act 2002  
(Miscellaneous Amendments) (Wales) Regulations 2009

**PART 4**

Establishments and agencies, services and facilities — adult social care and health

**Amendments to the Private and Voluntary Health Care (Wales) Regulations 2002**

**14.**—(1) The Private and Voluntary Health Care (Wales) Regulations 2002(1) are amended as follows.

(2) In regulation 9 (fitness of registered provider)—

(a) for paragraph (3) (c) (ii) substitute—

“(ii) where paragraph (4) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 2;”;

(b) for paragraph (3) (c) (iii) substitute—

“(iii) and further, where paragraph (4) applies, notification has been received under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).”;

(c) for paragraph (4) substitute—

“(4) This paragraph applies—

(a) where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued; and

(b) the individual will not be engaging in regulated activity relating to children.”.

(3) In regulation 11 (fitness of manager)—

(a) for paragraph (2) (c) (ii) substitute—

“(ii) where paragraph (3) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 2;”;

(b) for paragraph (2) (c) (iii) substitute—

“(iii) and further, where paragraph (3) applies, notification has been received under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).”;

(c) for paragraph (3) substitute—

“(3) This paragraph applies—

- (a) where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued; and
  - (b) the individual will not be engaging in regulated activity relating to children.”.
- (4) In regulation 18 (fitness of workers)—
- (a) for paragraph (2) (d) (ii) substitute—
    - “(ii) where paragraph (3) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 2;”;
  - (b) after paragraph (2) (d) (ii) insert—
    - “(iii) and further, where paragraph (3) applies, notification has been received under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).”;
  - (c) for paragraph (3), substitute—
    - “(3) This paragraph applies—
      - (i) where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued; and
      - (ii) the individual will not be engaging in regulated activity relating to children.”;
  - (d) in paragraph (4)(b) for the words “unless paragraph (5) applies” substitute “unless paragraph (5) or (5A) applies”;
  - (e) for paragraph (5) (b) (iii) substitute—
    - “(iii) where paragraph (3) applies, notification has been received under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).”;
  - (f) in paragraph (5A) after sub paragraph (b) insert—
    - “(ba) notification has been received under section 113E (4) (a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).”.
- (5) In Schedule 2 (information required in respect of persons seeking to carry on, manage or work at an establishment)—
- (a) for paragraph 2 substitute—
    - “2. Either—
      - (a) where the certificate is required for a purpose related to registration under Part 2 of the Act or the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes, as applicable, suitability information relating to vulnerable adults (within the meaning of section 113BB (2) of that Act) or suitability information relating to children (within the meaning of section 113BA (2) of that Act) or both, in respect of which less than three years have elapsed since it was issued; or
      - (b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997 in respect of which less than three years have elapsed since it was issued.”;
  - (b) omit paragraphs 8 and 9 .

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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