

*These notes refer to the Regulation and Inspection of Social Care (Wales) Act 2016 (c.2) which received Royal Assent on 18 January 2016*

# **REGULATION AND INSPECTION OF SOCIAL CARE (WALES) ACT 2016**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 1 – Regulation of Social Care Services**

#### *Chapter 2 – Registration etc. of service providers*

#### *Section 12 - Grant or refusal for application for variation*

50. In the event that a service provider has made an application to vary or remove a condition imposed by the Welsh Ministers under section 11(1)(b), subsection (2) makes it clear that the Welsh Ministers might decide to vary the condition in a manner that is different to that specified in the application or indeed they might impose another condition altogether (either in addition to or as a replacement for the condition set out in the application). Given the wide range of conditions that might be subject to a variation application the Welsh Ministers therefore have the power to take whatever action they consider is most appropriate in the circumstances. Otherwise the Welsh Ministers would be limited to simply granting or refusing the application on its terms and then would have to go through a separate procedure under section 13 to make any additional variation.
51. Subsection (3) ensures that the Welsh Ministers must give prior notice to a provider of whatever they propose to do in relation to an application under this section and must also give notice of the eventual decision for it to take effect (see sections 18 to 20).