



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 1

REGULATION OF SOCIAL CARE SERVICES

CHAPTER 2

REGISTRATION ETC. OF SERVICE PROVIDERS

Regulations and guidance

27 Regulations about regulated services

- (1) The Welsh Ministers may by regulations impose requirements on a service provider in relation to a regulated service.
- (2) Requirements imposed by regulations under subsection (1) must include requirements as to the standard of care and support to be provided by a service provider.
- (3) The Welsh Ministers must, when making regulations imposing requirements of the kind mentioned in subsection (2), have regard to—
 - (a) the importance of the well-being of any individuals to whom care and support will be provided, and
 - (b) the quality standards included in any code issued under section 9 of the 2014 Act (codes to help achieve outcomes specified in well-being statements).
- (4) Before making regulations under this section the Welsh Ministers must—
 - (a) consult any persons they think appropriate, and
 - (b) publish a statement about the consultation.

- (5) The Welsh Ministers must lay a copy of a statement published under subsection (4) (b) before the National Assembly for Wales.
- (6) But the requirement to consult and publish a statement does not apply to regulations which—
 - (a) amend other regulations made under this section, and
 - (b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.

28 Regulations about responsible individuals

- (1) The Welsh Ministers may by regulations impose requirements on a responsible individual in relation to a place in respect of which the individual is designated.
- (2) Regulations under subsection (1) may include provision requiring a responsible individual to appoint an individual of a prescribed description to manage the place in respect of which the responsible individual is designated.
- (3) Regulations under subsection (1) may make provision for a function conferred on a responsible individual by the regulations to be delegated to another person only in prescribed circumstances but such provision may not affect the liability or responsibility of the responsible individual for exercising the function.
- (4) Before making regulations under this section the Welsh Ministers must consult any persons they think appropriate.
- (5) But the requirement to consult does not apply to regulations which—
 - (a) amend other regulations made under this section, and
 - (b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.

29 Guidance about regulations under sections 27 and 28

- (1) The Welsh Ministers must publish guidance about how—
 - (a) service providers may comply with requirements imposed by regulations under section 27(1) (including how providers may meet any standards for the provision of a regulated service specified by such regulations);
 - (b) responsible individuals may comply with requirements imposed by regulations under section 28(1).
- (2) The Welsh Ministers may revise guidance published under subsection (1) and must publish the revised guidance.
- (3) Service providers and responsible individuals must have regard to guidance published under this section.

30 Regulations about service providers who are liquidated etc.

- (1) The Welsh Ministers may by regulations make provision—
 - (a) requiring an appointed person to notify them of that appointment;
 - (b) for this Part to apply with prescribed modifications to service providers in relation to whom such a person has been appointed.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (1) “appointed person” means a person appointed as—
- (a) a receiver or administrative receiver of the property of a service provider who is a body corporate or a partnership;
 - (b) a liquidator, provisional liquidator or administrator of a service provider who is a body corporate or a partnership;
 - (c) a trustee in bankruptcy of a service provider who is an individual or a partnership.

31 Regulations about service providers who have died

- (1) The Welsh Ministers may by regulations make provision—
- (a) for this Part to apply with prescribed modifications where a service provider who is an individual has died;
 - (b) requiring the personal representatives of such an individual to notify the Welsh Ministers of the death.
- (2) Regulations under subsection (1) may in particular provide for a prescribed person who is not a service provider to act in that capacity for a prescribed period and for that period to be extended in prescribed circumstances.