



# Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

## PART 3

### SOCIAL CARE WALES

#### *Default powers of the Welsh Ministers*

#### **78 Default powers of the Welsh Ministers**

- (1) The powers conferred by this section are exercisable by the Welsh Ministers if they are satisfied that SCW—
  - (a) has without reasonable excuse failed to discharge any of its functions, or
  - (b) in discharging any of its functions, has without reasonable excuse failed to comply with any directions given by the Welsh Ministers under section 77 in relation to those functions.
- (2) The Welsh Ministers may—
  - (a) publish a statement declaring SCW to be in default, and
  - (b) direct SCW to discharge such of its functions, and in such manner and within such period or periods, as may be specified in the direction.
- (3) If SCW fails to comply with a direction given under subsection (2)(b), the Welsh Ministers may—
  - (a) discharge the functions to which the direction relates themselves, or
  - (b) make arrangements for any other person to discharge those functions on their behalf.
- (4) A direction under subsection (2)(b)—
  - (a) must be in writing;
  - (b) may be varied or revoked by a subsequent direction.

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation and Inspection of Social Care (Wales) Act 2016, Cross Heading: Default powers of the Welsh Ministers. (See end of Document for details)

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#### **Commencement Information**

**II** [S. 78](#) in force at 3.4.2017 by [S.I. 2017/309](#), **art. 2(b)** (with [arts. 3, 4](#), [Sch.](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation and Inspection of Social Care (Wales) Act 2016, Cross Heading: Default powers of the Welsh Ministers.