



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 4

SOCIAL CARE WORKERS

Visiting social workers

90 Visiting social workers from relevant European States

- (1) This section applies to an exempt person (“V”) who is lawfully established as a social worker in a relevant European State other than the United Kingdom.
- (2) Subsection (3) applies if V has the benefit of regulation 8 of the General Systems Regulations in connection with the provision by V of services as a social worker in the United Kingdom on a temporary and occasional basis (V having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by V of services as a social worker).
- (3) V is entitled to be registered in the visiting European part of the register, and the registrar must give effect to the entitlement.
- (4) If V is entitled under subsection (3) to be registered in the visiting European part of the register but is not registered in that part, V is to be treated as having been registered in that part.
- (5) V’s entitlement under subsection (3) ends if V ceases, whether as a result of the operation of regulation 17 of the General Systems Regulations or otherwise, to have the benefit of regulation 8 of those Regulations in connection with the provision by V of services as a social worker in the United Kingdom on a temporary and occasional basis.

Status: This is the original version (as it was originally enacted).

- (6) If V is registered in the visiting European part of the register, the registrar may remove V from that part if V’s entitlement under subsection (3) ends by reason of the operation of subsection (5).
- (7) Subsections (1) to (6) do not prevent sections 92 to 94 of this Part or Part 6 (fitness to practise) from applying to persons registered in the visiting European part of the register.
- (8) For the purposes of Parts 3 to 8 of this Act—
- “exempt person” (“*person esempt*”) means—
- (a) a national of a relevant European State other than the United Kingdom,
 - (b) a national of the United Kingdom who is seeking to engage in relevant social work in Wales by virtue of an enforceable EU right, or
 - (c) a person who is not a national of a relevant European State but who is, by virtue of an enforceable EU right, entitled to be treated, as regards the right to engage in relevant social work in Wales, no less favourably than a national of a relevant European State;
- “the General Systems Regulations” (“*y Rheoliadau Systemau Cyffredinol*”) means the [European Communities \(Recognition of Professional Qualifications\) Regulations 2007 \(S.I. 2007/2781\)](#);
- “national” (“*gwladolyn*”), in relation to a relevant European State, means the same as in the EU Treaties, but does not include a person who by virtue of Article 2 of Protocol No 3 (Channel Islands and the Isle of Man) to the Treaty of Accession is not to benefit from EU provisions relating to the free movement of persons and services;
- “relevant European State” (“*Gwladwriaeth Ewropeaidd berthnasol*”) means an EEA State or Switzerland.