
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Care Standards Act 2000 (“the Act”) and apply to Wales only. Part I of the Act establishes the National Assembly for Wales (“the National Assembly”) as the registration authority for the purposes of the Act in relation to Wales. Part II provides for the registration and inspection by the National Assembly of the following descriptions of establishments and agencies: children’s homes, independent hospitals, independent hospitals in which treatment or nursing (or both) are provided for persons liable to be detained under the Mental Health Act 1983, independent clinics and independent medical agencies and care homes (sections 1 to 3 of the Act); and residential family centres, domiciliary care agencies, fostering agencies, nurses agencies and voluntary adoption agencies (section 4 of the Act). Part VI inserts a new Part XA and Schedule 9A into the Children Act 1989 (“the 1989 Act”) relating to child minding and the provision of day care for children under eight.

These Regulations make provision in relation to the registration of care homes, children’s homes, independent hospitals and independent clinics, child minders and providers of day care.

Under Part II of the Act, the National Assembly has the function of granting or refusing applications for registration under the Act. It may grant registration subject to conditions and may vary or remove any condition or impose an additional condition. It also has power to cancel registration. Regulations 4 to 15 make provision in relation to registration under Part II of the Act.

Regulations 4 and 5 of, and Schedules 1 to 6 to, these Regulations specify the information and documents that are to be provided by an applicant for registration.

Regulation 6 requires the responsible person to attend an interview. Regulations 7 and 8 require the applicant to give notice of certain changes that take place, or details of staff engaged, after the application for registration is made and before it is determined.

Regulation 9 specifies the particulars that any certificate of registration is to contain.

Regulation 10 requires a person who is registered in respect of an establishment to return the certificate to the National Assembly if the registration is cancelled. Failure to comply with that requirement is an offence under regulation 11.

Regulation 12 makes provision in respect of an application by the registered person to apply for the variation or removal of a condition in relation to his or her registration.

Regulation 13 requires the registered person to report the relevant circumstances to the National Assembly if it appears that the establishment or agency is likely to cease to be financially viable.

Regulation 14 specifies certain grounds on which the National Assembly may cancel a person’s registration. Other grounds on which registration may be cancelled are specified by section 14 of the Act.

Regulation 15 provides for the registered person to apply for his or her registration to be cancelled. Part VI of the Regulations make provision in relation to registration of child minders and providers of day care for children under eight.