
WELSH STATUTORY INSTRUMENTS

2011 No. 734

The Independent Health Care (Wales) Regulations 2011

PART VI

Miscellaneous

Compliance with regulations

51. Where there is more than one registered person in respect of an establishment or agency, anything which is required under these regulations to be done by the registered person will, if done by one of the registered persons, not be required to be done by any of the other registered persons.

Offences

52.—(1) A contravention, or failure to comply with any of the provisions of regulation 6 to 17, 18(1), 19 to 35, 37 to 45 and 47 to 50 will be an offence.

(2) The registration authority may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulation 23 after the person ceased to be a registered person.

Transitional provisions

53.—(1) Until such time as an intervening event takes place, regulation 27 does not apply to a person registered in respect of an independent hospital or to an applicant for registration as a manager where the registration of the registered provider was granted prior to 5 April 2011.

(2) For the purposes of this regulation, an “intervening event” (*“digwyddiad cyfamserol”*) is—

- (a) an application received by the registration authority under section 12 of the Act from a new provider of the independent hospital; or
- (b) an application received by the registration authority under section 15(1)(a) of the Act from a registered person and the effect of the application being granted would be as specified in paragraph (3).

(3) There is an increase in the number of approved places that the registered person can provide to patients who have a diagnosed learning disability.

(4) In the case of an intervening event under paragraph (2)(b), regulation 52 will not apply to regulation 27 until such time as the application is finally disposed of or withdrawn.

(5) For the purpose of paragraph (4) “finally disposed of” (*“cael ei benderfynu'n derfynol”*) means the grant of the application under section 15(4) or, in the case of a refusal of the application, the date 28 days following the refusal of the application and, if an appeal is made, the date when the appeal is finally determined or abandoned.

(6) Paragraph (7) applies to persons registered in respect of an establishment prior to 5 April 2011 where—

- (a) regulation 3 applies such that the independent hospital is no longer an independent hospital; and
 - (b) regulation 4 applies in relation to that establishment.
- (7) Persons to whom paragraph (6) applies—
- (a) may continue to carry on or manage the establishment without being registered under the Act—
 - (i) during a period of 3 months beginning the 5 April 2011; and
 - (ii) if within that period application is made for registration, until the application is finally disposed of or withdrawn;
 - (b) are excepted from payment of a registration fee under regulation 3 of the Independent Health Care (Fees) (Wales) Regulations 2011⁽¹⁾.
- (8) For the purposes of paragraph (7)(a)(ii) “finally disposed of” (“cael ei benderfynu'n derfynol”) means the date 28 days following the grant or refusal of registration and, if an appeal is made, the date when the appeal is finally determined or abandoned.

Revocation and savings

54.—(1) Subject to paragraph (2) the Private and Voluntary Health Care (Wales) Regulations 2002⁽²⁾ (“the 2002 Regulations”) are hereby revoked.

(2) Regulation 3(4) of the 2002 Regulations continues to have effect.

(1) S.I.2011/106 (W.25).
(2) S.I. 2002/325 (W.38).