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## WELSH STATUTORY INSTRUMENTS

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# 2017 No. 1264

## The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017

### PART 13

#### Additional requirements on service providers in respect of premises – new accommodation

##### Application of Part 13

**49.**—(1) This Part applies to service providers who are registered to provide an accommodation-based service and the premises used for the provision of the service fall within one of the categories in paragraph (2). But this Part does not apply if the service involves the provision of accommodation to four or fewer individuals.

(2) The categories are—

Category A: The premises used for the provision of the service consist of a new building or an existing building which has been converted for the purpose of providing the service, and, in either case, the building has not previously been used for the purpose of providing an accommodation-based service.

Category B: The premises consist of [<sup>F1</sup>a building or buildings to which an extension is added and the extension] is used for the purpose of providing the service at a place specified as a condition to the service provider's registration.

[<sup>F2</sup>Category C: The premises consist of a building which was unoccupied immediately prior to the service provider's registration but was previously used for any of the following purposes—

- (a) for the purpose of providing an accommodation-based service at a place specified as a condition to the registration of another service-provider;
- (b) as an establishment in respect of which a person was registered under Part 2 of the Care Standards Act 2000 to provide accommodation in a children's home, a care home, or a residential family centre;
- (c) as an establishment in respect of which a person was registered under Part 1 or 2 of the Registered Homes Act 1984 to provide residential accommodation for persons in need of personal care (by reason of old age, disablement, drug or alcohol dependence or mental disorder);
- (d) as an establishment in respect of which a person was registered in a register kept for the purposes of section 60 of the Children Act 1989, or under Part 8 of that Act, to provide residential accommodation for children.]

(3) If this Part applies, the service provider must ensure that the requirements of regulations 50 to 54 are complied with [<sup>F3</sup>but in the case of Category B premises, the requirements only apply to the part of the premises comprising the extension (or in the case of regulation 53, to any parts of the external grounds developed in conjunction with the extension)].

[<sup>F4</sup>(4) In this regulation—

- (a) “accommodation-based service” means a care home service, a secure accommodation service or a residential family centre service;
- (b) “children’s home”, “care home” and residential family centre” have the meanings respectively given in sections 1, 3 and 4 of the Care Standards Act 2000 as it had effect in Wales immediately before 1 April 2017.]

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| <b>F1</b> | Words in reg. 49(2) substituted (1.4.2019) by <a href="#">The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2019 (S.I. 2019/757)</a> , regs. 1(2), <b>10(a)</b>   |
| <b>F2</b> | Words in reg. 49(2) substituted (1.11.2022) by <a href="#">The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) and (Coronavirus) (Revocation) Regulations 2022 (S.I. 2022/1074)</a> , regs. 1(2), <b>8(a)</b> (with reg. 9) |
| <b>F3</b> | Words in reg. 49(3) inserted (1.4.2019) by <a href="#">The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2019 (S.I. 2019/757)</a> , regs. 1(2), <b>10(b)</b>  |
| <b>F4</b> | Reg. 49(4) substituted (1.11.2022) by <a href="#">The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) and (Coronavirus) (Revocation) Regulations 2022 (S.I. 2022/1074)</a> , regs. 1(2), <b>8(b)</b> (with reg. 9)          |

#### **Additional requirements – en-suite bathrooms**

**50.** All bedrooms used for the provision of the service must have an en suite bathroom which includes an accessible wash hand basin, lavatory and shower.

#### **Additional requirements – room sizes**

**51.—**(1) All bedrooms used for the provision of the service must have a minimum of 12 square metres of useable floor space unless paragraph (2) or (3) applies.

(2) This paragraph applies where the person living in the room has to use a wheelchair on a permanent and constant basis because of the nature of their disability.

(3) This paragraph applies where a bedroom is shared.

(4) If paragraph (2) applies, the bedroom must have a minimum of 13.5 square metres of useable floor space.

(5) If paragraph (3) applies, the bedroom must have a minimum of 16 square metres of useable floor space.

#### **Additional requirements – communal space**

**52.—**[<sup>F5</sup>(1) Subject to paragraph (2), the] amount of sitting, recreational and dining space which is used for the provision of the service in accordance with regulation 44(6) must be at least—

- (a) 4.1 square metres for each individual;
- (b) 5.1 square metres for wheelchair users.

[<sup>F6</sup>(2) For Category B premises, this regulation applies so that the space requirement must be met in relation to any additional rooms for individuals.]

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| <b>F5</b> | Words in reg. 52 substituted (1.4.2019) by <a href="#">The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2019 (S.I. 2019/757)</a> , regs. 1(2), <b>11(a)</b> |
| <b>F6</b> | Reg. 52(2) added (1.4.2019) by <a href="#">The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2019 (S.I. 2019/757)</a> , regs. 1(2), <b>11(b)</b>             |

### **Additional requirements – outdoor space**

**53.** The external grounds [<sup>F7</sup>(or, in the case of Category B premises, any part of the external grounds developed in conjunction with the building of the extension)] which are used for the provision of the service in accordance with regulation 44(10) must—

- (a) be accessible to individuals in wheelchairs or with other mobility problems,
- (b) have sufficient and suitable seating, and
- (c) be designed to meet the needs of all individuals including those with physical, sensory and cognitive impairments.

<p><b>F7</b> Words in reg. 53 inserted (1.4.2019) by <a href="#">The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2019 (S.I. 2019/757)</a>, regs. 1(2), <b>12</b></p>
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### **Additional requirements – passenger lift**

**54.** Where the accommodation used for the provision of the service is on more than one floor and this is consistent with the statement of purpose for the service, there must be a passenger lift.

**Changes to legislation:**

There are currently no known outstanding effects for the The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017, PART 13.