
WELSH STATUTORY INSTRUMENTS

2017 No. 1264

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

PART 2

Exceptions

Domiciliary support services

3.—(1) The following things are not to be treated as a domiciliary support service, despite paragraph 8 of Schedule 1 to the Act (regulated services: definitions, domiciliary support services)—

- (a) the provision of support only;
- (b) the provision of care and support to four or fewer individuals at any one time;
- (c) the provision of care and support for an adult—
 - (i) in the course of a family or personal relationship, and
 - (ii) for no commercial consideration;
- (d) the provision of care and support for a child by a parent, relative or foster parent;
- (e) the provision of care and support by a carer where such care and support is provided without the involvement of an undertaking acting as an employment agency or employment business (within the meaning given to those expressions by section 13 of the Employment Agencies Act 1973 ^{F1}), and where the carer works wholly under the direction and control of a related third party;
- (f) arrangements for the supply of carers to a service provider by an undertaking acting as an employment agency or employment business for the purpose of the provision of a regulated service by the service provider;
- (g) the provision of care and support where the care and support is provided by a person managing a prison or other similar custodial establishment^[F2;]
- ^[F3](h) the provision of nursing care by a registered nurse;
 - (i) the provision of care and support by a Local Health Board to meet needs which are related to the needs of individuals for nursing care^[F4.]

^{F5}(j)

^{F5} ...

(2) In paragraph (1)(e) and (f), “carer” means an individual who provides care to a person referred to in paragraph 8(1) of Schedule 1 to the Act.

(3) In paragraph (1)(e), “related third party” means—

- (a) an individual with parental responsibility (within the meaning of section 3 of the Children Act 1989 ^{F6}) for a child to whom care and support is to be provided;

- (b) an individual with power of attorney or other lawful authority to make arrangements on behalf of the individual to whom care and support is to be provided;
 - (c) a group of individuals mentioned in either of sub-paragraphs (a) or (b) making arrangements on behalf of no more than four named individuals to whom care and support is to be provided;
 - (d) a trust established for the purpose of providing services to meet the care and support needs of a named individual.
- (4) See regulation 5 for the meaning of family or personal relationship.

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| F1 | 1973 c. 35. |
| F2 | Punctuation in reg. 3(1)(g) substituted (1.4.2019) by The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2019 (S.I. 2019/757) , regs. 1(2), 5(a) |
| F3 | Reg. 3(1)(h)(i) inserted (1.4.2019) by The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2019 (S.I. 2019/757) , regs. 1(2), 5(b) |
| F4 | Punctuation in reg. 3(1)(i) substituted (1.11.2022) by The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) and (Coronavirus) (Revocation) Regulations 2022 (S.I. 2022/1074) , regs. 1(2), 5(a) |
| F5 | Words in reg. 3(1) omitted (1.11.2022) by virtue of The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) and (Coronavirus) (Revocation) Regulations 2022 (S.I. 2022/1074) , regs. 1(2), 5(b) |
| F6 | 1989 c. 41. |

Changes to legislation:

There are currently no known outstanding effects for the The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017, Section 3.