
WELSH STATUTORY INSTRUMENTS

2017 No. 1326

**The Regulation and Inspection of Social Care
(Wales) Act 2016 (Commencement No. 5, Savings,
Transitory and Transitional Provisions) Order 2017**

Transitional provision relating to the death of a service provider

13.—(1) Paragraph (2) applies where—

- (a) a person registered under Part 2 of the 2000 Act (establishments and agencies) in respect of the carrying on of a relevant establishment or agency has died before the principal appointed day;
- (b) the Welsh Ministers have been notified in writing of that death; and
- (c) immediately before the principal appointed day a personal representative is carrying on the establishment or agency without being registered in respect of it in accordance with—
 - (i) regulation 43(3) of the Care Homes (Wales) Regulations 2002;
 - (ii) regulation 39(3) of the Children's Homes (Wales) Regulations 2002;
 - (iii) regulation 30(3) of the Residential Family Centres (Wales) Regulations 2003;
 - (iv) regulation 29(3) of the Domiciliary Care Agencies (Wales) Regulations 2004.

(2) Where this paragraph applies—

- (a) the personal representative is entitled to provide a regulated service without being registered in respect of it to the extent that the registered provider, immediately before his or her death, was entitled to carry on that activity at a registered establishment or agency by virtue of his registration under Part 2 of the 2000 Act; and
- (b) the person is so entitled for the period specified in paragraph (3).

(3) The period referred to in paragraph (2) is—

- (a) subject to paragraph (4), where before the principal appointed day the personal representative has carried on the establishment or agency for less than 28 days and no extension to that period has been granted under the regulations specified in paragraph (1)(c), the remainder of the 28 day period starting from the date on which they took over the carrying on of the establishment or agency; or
- (b) where, before the principal appointed day, the personal representative has been granted an extension under the regulations specified in paragraph (1)(c) the period ending on the date on which that extension expires.

(4) The Welsh Ministers may extend the period specified in paragraph (3)(a) by such further period, not exceeding one year, and must notify any such determination to the personal representative in writing.

(5) The personal representative of the deceased registered provider must ensure a person is appointed to take full-time day to day charge for the provision of the regulated service during any period in which, in accordance with this article, they are carrying on the regulated service without being registered in respect of it.