
WELSH STATUTORY INSTRUMENTS

2018 No. 441

The Welsh Language Standards (No. 7) Regulations 2018

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Welsh Language Standards (No. 7) Regulations 2018.

(2) These Regulations come into force on 29 June 2018.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations—

a “body” (“*corff*”) means a person listed in Schedule 6;

a “care home service” (“*gwasanaeth cartref gofal*”) has the same meaning as in section 2(2) of, and paragraph 1 of Schedule 1 to, the Regulation and Inspection of Social Care (Wales) Act 2016(1);

a “case conference” (“*cynhadledd achos*”) means an interaction the main purpose of which is to discuss an individual’s (“A”) health related provision and is between—

(a) A,

(b) one or more bodies, and

(c) one or more persons where at least one of those persons is a county council or a county borough council in Wales;

a “clinic” (“*clinig*”) is a surgery or consulting room in which—

(a) a clinical consultation; or

(b) a private clinical consultation;

takes place;

a “clinical consultation” (“*ymgyngoriad clinigol*”) means a health provision interaction between one or more individuals and a body;

“health provision” (“*darpariaeth iechyd*”) means the provision of health services as part of the national health service to an individual and includes the assessment, diagnosis or treatment of that individual;

“health related provision” (“*darpariaeth sy’n ymwneud ag iechyd*”) means provision of services to an individual which may have an effect on the health of that individual but which are not health provision or private health provision;

a “hospital” (“*ysbyty*”) means—

(a) any institution for the reception and treatment of persons suffering from illness,

(b) any maternity home, and

(c) any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation,

and includes clinics, dispensaries and out-patient departments maintained in connection with any such home or institution;

an “individual” (“*unigolyn*”) means a natural person ordinarily resident in Wales acting in their personal capacity; but does not include an individual acting in their capacity as a volunteer;

an “in-patient” (“*claf mewnol*”) means an individual who is admitted to hospital for at least one night;

an “in-patient admission” (“*derbyniad fel claf mewnol*”) begins on the day the in-patient is admitted to hospital and ends on the day the in-patient ceases to be in hospital;

a “member of staff” (“*aelod o staff*”) means an employee of a body or a natural person working for a body but not a person appointed to a body by the Welsh Ministers, a Minister of the Crown, Secretary of State, a county council or county borough council or a voluntary organisation⁽²⁾ (and “staff” (“*staff*”) must be construed accordingly);

“national health service” (“*gwasanaeth iechyd gwladol*”) means the comprehensive health service in Wales continued under section 1(1) of the National Health Service (Wales) Act 2006⁽³⁾;

a “national health service clinic” (“*clinig gwasanaeth iechyd gwladol*”) means a clinic vested in the Welsh Ministers, a Local Health Board or a National Health Service Trust;

a “national health service hospital” (“*ysbyty gwasanaeth iechyd gwladol*”) means a hospital vested in the Welsh Ministers, a Local Health Board or a National Health Service Trust;

a “primary care provider” (“*darparwr gofal sylfaenol*”) means a person who provides a primary care service on behalf of a Local Health Board;

a “primary care service” (“*gwasanaeth gofal sylfaenol*”) means a service provided under a contract, arrangement or agreement made under or by virtue of any of the following provisions of the National Health Service (Wales) Act 2006—

- (a) section 41(2)(b) (primary medical services);
- (b) section 42(1) (general medical services contracts);
- (c) section 50 (arrangements by Local Health Boards for the provision of primary medical services);
- (ch) section 57(1) (general dental services contracts);
- (d) section 64 (arrangements by Local Health Boards for the provision of primary dental services);
- (dd) (section 71 (arrangements for general ophthalmic services);
- (e) section 80 (arrangements for pharmaceutical services);
- (f) section 81 (additional pharmaceutical services);
- (ff) section 92 (pilot schemes);
- (g) section 102 (local pharmaceutical services schemes);

a “private clinic” (“*clinig preifat*”) means a clinic which is not a national health service clinic;

a “private clinical consultation” (“*ymgyngoriad clinigol preifat*”) means a private health provision interaction between one or more individuals and a person;

“private health provision” (“*darpariaeth iechyd breifat*”) means the provision of health services not as part of the national health service to an individual and includes the assessment, diagnosis or treatment of that individual; and

(2) See for example regulation 7 of the Community Health Councils (Constitution, Membership and Procedures)(Wales) Regulations 2010 (S.I. 2010/288 (W. 37)) which relates to the appointment of members to Community Health Councils by voluntary organisations.

(3) 2006 c. 42.

a “private hospital” (“*ysbyty preifat*”) means a hospital which is not a national health service hospital.

(5) Subject to paragraphs (7), (8), (9) and (10), in these Regulations—

(a) references to any activity being carried out by a body, or to any service being provided by a body, are to be read as including a reference to that activity being carried out on the body’s behalf or to that service being provided on the body’s behalf by a third party under arrangements made between the third party and the body;

(b) accordingly, unless a compliance notice provides to the contrary, a body will have failed to comply with a standard in respect of an activity or service it has arranged to be carried out or provided by a third party if that activity or service has not been carried out or provided in accordance with the standard.

(6) Nothing in these Regulations requires a body to comply with a standard in relation to an activity carried out by it or a service provided by it where it is carrying out that activity or providing that service on behalf of a third party under arrangements made between it and the third party, except in relation to—

(a) a clinical consultation,

(b) a case conference, or

(c) an in-patient (when the in-patient is not attending a clinical consultation).

(7) Nothing in these Regulations requires a body to comply with a standard in relation to an activity carried out on its behalf or a service provided on its behalf by a third party under arrangements made between it and the third party in relation to—

(a) a clinical consultation,

(b) a case conference, or

(c) an in-patient (when the in-patient is not attending a clinical consultation).

(8) Nothing in these Regulations requires a body to comply with a standard in relation to an activity carried out by it or a service provided by it where that activity is carried out or that service is provided on its behalf—

(a) in a private hospital or private clinic in Wales,

(b) on a private ward in a hospital in Wales, or

(c) in a hospital or clinic located outside of Wales.

(9) Nothing in these Regulations requires a body to comply with a standard in relation to an activity carried out by it or a service provided by it where that activity is carried out or that service is provided on its behalf by a primary care provider.

(10) Nothing in these Regulations requires a body to comply with a standard in relation to an activity carried out by it or a service provided by it where the activity carried out or the service provided on its behalf is a care home service.

Commencement Information

II [Reg. 1](#) in force at 29.6.2018, see [reg. 1\(2\)](#)

Standards specified

2.—(1) In Schedule 1—

(a) Part 1 specifies service delivery standards;

- (b) Part 2 provides that a compliance notice must require a body to comply with certain standards specified in Part 1 if it has required the body to comply with certain other standards;
 - (c) Part 3 defines a number of words and expressions.
- (2) In Schedule 2—
- (a) Part 1 specifies policy making standards;
 - (b) Part 2 provides that a compliance notice must require a body to comply with certain standards specified in Part 1 if it has required the body to comply with certain other standards;
 - (c) Part 3 defines a number of words and expressions.
- (3) In Schedule 3—
- (a) Part 1 specifies operational standards;
 - (b) Part 2 provides that a compliance notice must require a body to comply with certain standards specified in Part 1 if it has required the body to comply with certain other standards;
 - (c) Part 3 defines a number of words and expressions.
- (4) In Schedule 4—
- (a) Part 1 specifies record keeping standards;
 - (b) Part 2 defines a number of words and expressions.
- (5) In Schedule 5—
- (a) Part 1 specifies standards that deal with matters which are supplementary to the matters dealt with in the standards specified in Schedules 1 to 4;
 - (b) Part 2 makes provision about interpreting the supplementary standards.

Commencement Information

I2 [Reg. 2](#) in force at 29.6.2018, see [reg. 1\(2\)](#)

Standards that are specifically applicable

3.—(1) The Welsh Ministers authorise the Welsh Language Commissioner to give a compliance notice to the persons listed in Schedule 6 requiring them to comply with any of the standards specified under regulation 2 and Schedules 1 to 5.

- (2) But the Commissioner is not authorised to give a compliance notice to—
- (a) National Health Service Trusts in Wales requiring them to comply with the following standards—
 - (i) 65 to 68,
 - (ii) 78 to 78A;
 - (b) [F1the Citizen Voice Body requiring it] to comply with the following standards—
 - (i) 23 to 25,
 - (ii) 64 to 68,
 - (iii) 78 to 78A,
 - (iv) 110 and 110A.

Textual Amendments

- F1** Words in [reg. 3\(2\)\(b\)](#) substituted (1.4.2023) by [Health and Social Care \(Quality and Engagement\) \(Wales\) Act 2020 \(asc 1\), s. 29\(2\), Sch. 3 para. 16\(2\)](#); S.I. 2023/370, art. 3(1)(t)

Commencement Information

- I3** [Reg. 3](#) in force at 29.6.2018, see [reg. 1\(2\)](#)

Amendment of Welsh Language Standards (No. 4) Regulations 2016

4.—(1) In regulation 3 of the Welsh Language Standards (No. 4) Regulations 2016 (“the No. 4 Regulations”)(**4**) for paragraph (2) substitute—

“(2) But the Commissioner is not authorised to give a compliance notice to—

- (a) the Agricultural Land Tribunal (Wales), the Mental Health Review Tribunal for Wales, the Residential Property Tribunal Wales and the Special Educational Needs Tribunal for Wales requiring them to comply with the following standards—

- (i) 92 to 139,
(ii) 144 to 148,
(iii) 161 to 166;

- (b) Social Care Wales(**5**) requiring it to comply with standard 60.”

(2) In Schedule 6 to the No. 4 Regulations in the appropriate place insert—

“Social Care Wales (“*Gofal Cymdeithasol Cymru*”).

Commencement Information

- I4** [Reg. 4](#) in force at 29.6.2018, see [reg. 1\(2\)](#)

Eluned Morgan
Minister for Welsh Language and Lifelong Learning, under the authority of the Cabinet Secretary for Education, one of the Welsh Ministers

27 March 2018

(4) [S.I. 2016/405 \(W. 125\)](#).

(5) See section 67 of the Regulation and Inspection of Social Care (Wales) Act 2016 ([anaw 2](#)) which continued the Care Council for Wales in existence, but renamed it as Social Care Wales.

Changes to legislation:

There are currently no known outstanding effects for the The Welsh Language Standards (No. 7) Regulations 2018.