
WELSH STATUTORY INSTRUMENTS

2020 No. 1626

**The Regulation and Inspection of Social Care (Qualifications)
(Wales) (Amendment) (EU Exit) Regulations 2020**

**Substitution of regulation 17 (visiting social workers and visiting social care managers:
saving of old law)**

10. For regulation 17 of the 2019 Regulations substitute—

“Visiting social workers and visiting social care managers: saving of old law

17.—(1) This regulation applies where—

- (a) immediately before IP completion day—
 - (i) a person had the benefit of regulation 12 of the 2015 Regulations⁽¹⁾ in respect of the provision by that person of services as a social worker or a social care manager, and
 - (ii) section 90(3) or 90A(3) of the 2016 Act applied to the person;
- (b) by virtue of this regulation, the person continues to have that benefit on or after IP completion day; and
- (c) the person is not a relevant applicant.

(2) Despite the amendments made by Part 1, the provisions of the 2016 Act specified in paragraph (4) continue to apply in relation to the provision of those services by a person to whom paragraph (1) applies on or after IP completion day, as they applied before that day, but subject to the modifications specified in paragraph (5).

(3) Paragraph (2) has effect until—

- (a) in the case of a person who is registered in accordance with section 90(3) or 90A(3) of the 2016 Act, the day on which the person’s name is removed from the register under section 90(6) or 90A(6) of that Act as the case may be;
- (b) in the case of a person who is treated as being registered under section 90(4) or 90A(4) of the 2016 Act, the day on which the person’s entitlement to be registered under section 90(3) or 90A(3) of the 2016 Act ceases by virtue of section 90(5) or 90A(5) of that Act as the case may be.

(4) The provisions of the 2016 Act referred to in paragraph (2) are—

- (a) in section 66(1) (interpretation of Parts 3 to 8), the definitions of “exempt person”, “the General Systems Regulations”, “national”, “relevant European State”, “visiting European social care manager part” and “visiting European social worker part”;
- (b) section 74(3) (rules: fees);
- (c) in section 80, subsections (1)(c) and (d), (2)(c) and (d) and (3)(c) and (d) (the register);

⁽¹⁾ [S.I. 2015/2059](#).

- (d) section 90 (visiting social workers from relevant European States);
 - (e) section 90A (visiting social care managers from relevant European States);
 - (f) section 105 (other appeals: decisions made under the General Systems Regulations);
 - (g) section 113(3) to (5) (continuing professional development).
- (5) Insofar as the following provisions of the 2016 Act continue to apply by virtue of paragraph (2), they apply with the following modifications—
- (a) in section 90 (visiting social workers from relevant European States)—
 - (i) subsection (1) is to be read as if “other than the United Kingdom” was omitted;
 - (ii) subsection (8) is to be read as if—
 - (aa) for the definitions of “exempt person” and “the General Systems Regulations” there were substituted—

““exempt person” (“*person esempt*”) means—

 - (a) a person who, immediately before IP completion day, was a national of a relevant European State,
 - (b) a person who, immediately before IP completion day, was a national of the United Kingdom and, at that time was seeking access to, or pursuing, by virtue of an enforceable EU right, social work or work as a social care manager, or
 - (c) a person who, immediately before IP completion day, was not a national of a relevant European State, but at that time was, by virtue of an enforceable EU right, entitled to be treated, for the purposes of access to and pursuit of social work or work as a social care manager, no less favourably than a national of a relevant European State, and for the purposes of this definition “enforceable EU right” (“*hawl UE orfodadwy*”) means a right recognised and available in domestic law, immediately before IP completion day, by virtue of section 2(1) of the European Communities Act 1972 (c. 68);”

““the General Systems Regulations” (“*y Rheoliadau Systemau Cyffredinol*”) means the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059)—

 - (a) in relation to anything done before IP completion day, as they had effect at that time but subject to the modification that any reference to “the Care Council for Wales” is to be read as if there were substituted “Social Care Wales”,
 - (b) otherwise (and only to the extent that) they have effect, on or after IP completion day, in relation to an entitlement which arose before IP completion day or arises as a result of something done before IP completion day;”;

- (bb) in the definition of “national” for “is not” there were substituted “was not immediately before IP completion day”;
- (b) in section 90A (visiting social care managers from relevant European States), subsection (1) is to be read as if “other than the United Kingdom” was omitted.
- (6) For the purposes of this regulation, the 2015 Regulations have effect as if for any reference to “the Care Council for Wales” there were substituted “Social Care Wales”. ”