

Changes to legislation: There are currently no known outstanding effects for the Regulation and Inspection of Social Care (Wales) Act 2016, PART 1. (See end of Document for details)

SCHEDULE 3

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

REGULATION OF SERVICES

Care Standards Act 2000

1 The Care Standards Act 2000 (c.14) is amended as follows.

Commencement Information

I1 Sch. 3 para. 1 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

2 In section 1—

- (a) in subsection (1), at the end insert “ as it applies in relation to England ”;
- (b) in subsection (2), after “establishment” insert “ in England ”;
- (c) subsection (4) is repealed;
- (d) in subsection (4A), the words “in England” are repealed;
- (e) the section heading becomes “ Children's homes in England ”.

Commencement Information

I2 Sch. 3 para. 2 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

3 In section 3—

- (a) in subsection (1), after “establishment” insert “ in England ”;
- (b) subsection (3) is repealed;
- (c) in subsection (4), the words “in England” are repealed;
- (d) the section heading becomes “ Care homes in England ”.

Commencement Information

I3 Sch. 3 para. 3 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

4 In section 4—

- (a) in subsection (2), after “establishment” insert “ in England ”;
- (b) in subsection (3), after “persons” insert “ in England ”;
- (c) in subsection (4)—
 - (i) in paragraph (a), after “authorities” insert “ in England ”;
 - (ii) in paragraph (b), after “organisation” insert “ in England ”;
- (d) subsection (5) is repealed;
- (e) in subsection (7), at the end insert “ whose principal office is in England ”;
- (f) in subsection (7A), for “has” substitute “ means an undertaking in England which is an adoption support agency within ”;
- (g) in subsection (8)(a)—

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- (i) in sub-paragraph (i), at the end insert “ in England ”;
- (ii) in sub-paragraph (ii), after “home” insert “ in England ”;
- (iii) sub-paragraph (vi) is repealed;
- (iv) in sub-paragraph (vii), at the end insert “ in England ”;
- (h) in subsection (9)(a), sub-paragraphs (ii) and (iii) are repealed;
- (i) in subsection (10), after “services” where it first occurs insert “ in England ”.

5 In section 5—

- [^{F1}(a) in subsection (1)(b), for “in any other case” substitute “in the case of establishments and agencies mentioned in subsection (1B)”]
- (b) in subsection (1A), after “agencies” insert “ mentioned in subsection (1)(a) ”;
- [^{F2}(c) after subsection (1A), insert—
 - “(1B) The establishments mentioned in subsection (1)(b) are—
 - (a) independent hospitals in Wales;
 - (b) independent clinics in Wales;
 - (c) independent medical agencies in Wales.”]
 - (d) subsection (2) is repealed.

Textual Amendments

- F1** Sch. 3 para. 5(a) substituted (29.4.2019) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), regs. 1(2), **34(2)(a)**
- F2** Sch. 3 para. 5(c) substituted (29.4.2019) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), regs. 1(2), **34(2)(b)**

Commencement Information

- I6** Sch. 3 para. 5 in force at 29.4.2019 by [S.I. 2019/864](#), art. 2(3)(d), **Sch.** (with arts. 3-13)

6 In section 8(6)—

- (a) in paragraph (a), for “section 5(b)” substitute “ section 5(1)(b) ”;
- (b) in paragraph (b) for sub-paragraphs (i) and (ii) substitute “by the Care Quality Commission—
 - (i) under Chapters 2 and 3 of Part 1 of the Health and Social Care Act 2008 in relation to health care in England, or
 - (ii) under the Mental Health Act 1983 in relation to England.”

Commencement Information

- I7** Sch. 3 para. 6 in force at 2.4.2018 by [S.I. 2017/1326](#), art. 2(3)(h), **Sch.** (with art. 6)

7 In section 14(2), after paragraph (f) insert—

- “(g) an offence under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016.”

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I8 Sch. 3 para. 7 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

- 8 In section 22—
- (a) in subsection (1), for paragraph (b) substitute—
 - “(b) regulations made by the Welsh Ministers—
 - (i) may make provision only in relation to establishments for which the Welsh Ministers are the registration authority, and
 - (ii) may in particular make any provision such as is mentioned in subsection (2), (7) or (8) in so far as relevant to those establishments.”;
 - (b) subsections (3) and (4) are repealed.

Commencement Information

I9 Sch. 3 para. 8 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

- 9 In section 22B—
- (a) in subsection (1), for “registration authority” substitute “ CIECSS ”;
 - (b) in subsection (3)(c), for “registration authority's” substitute “ CIECSS's ”;
 - (c) in subsection (4)(b), for “registration authority” substitute “ CIECSS ”;
 - (d) in subsection (5)(a), for “registration authority” substitute “ CIECSS ”;
 - (e) in subsection (6), for “registration authority” substitute “ CIECSS ”;
 - (f) in subsection (8)—
 - (i) in paragraph (a), at the end insert “ in England ”;
 - (ii) in paragraph (b), at the end insert “ in England ”.

Commencement Information

I10 Sch. 3 para. 9 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

- 10 In section 23, after subsection (1) insert—
- “(1ZA) But the Welsh Ministers may prepare and publish such a statement only in relation to establishments for which the Welsh Ministers are the registration authority.”

Commencement Information

I11 Sch. 3 para. 10 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

- 11 In section 30A—
- (a) in subsection (1), after “agency” insert “ in England ”;
 - (b) in subsection (2), for “registration authority” substitute “ CIECSS ”;
 - (c) in subsection (3), for “registration authority” substitute “ CIECSS ”;
 - (d) in subsection (7), in the definition of “prescribed”, paragraph (b) is repealed.

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Commencement Information

I12 Sch. 3 para. 11 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

12 Section 36A is repealed.

Commencement Information

I13 Sch. 3 para. 12 in force at 29.4.2019 by S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)

13 In section 42—

(a) for subsection (2) substitute—

“(2) This subsection applies to persons who provide services which are similar to services which may or must be provided by Welsh NHS bodies.”;

(b) in subsection (7), the definition of “Welsh local authorities” is repealed.

Commencement Information

I14 Sch. 3 para. 13 in force at 29.4.2019 by S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)

14 In section 43, after subsection (1) insert—

“(1A) “Local authority” means a local authority in England.”

Commencement Information

I15 Sch. 3 para. 14 in force at 29.4.2019 by S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)

15 In section 50(1), for “registration authority” substitute “ CIECSS ”.

Commencement Information

I16 Sch. 3 para. 15 in force at 29.4.2019 by S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)

16 Section 79(3) is repealed.

Commencement Information

I17 Sch. 3 para. 16 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

17 *Health and Social Care (Community Health and Standards) Act 2003*
 The Health and Social Care (Community Health and Standards) Act 2003 (c.43) is amended as follows.

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Commencement Information

I18 Sch. 3 para. 17 in force at 29.4.2019 by S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)

18 Chapter 6 of Part 2 (social services: functions of the National Assembly for Wales) is repealed.

Commencement Information

I19 Sch. 3 para. 18 in force at 29.4.2019 by S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)

19 In section 142, in paragraph (a)—
(a) in sub-paragraph (i), omit “and 6”;
(b) in sub-paragraph (ii), for “section 5(b)” substitute “ section 5(1)(b) ”.

Commencement Information

I20 Sch. 3 para. 19 in force at 29.4.2019 by S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)

20 In section 143(2), paragraph (b) is repealed.

Commencement Information

I21 Sch. 3 para. 20 in force at 29.4.2019 by S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)

Public Audit (Wales) Act 2004

21 The Public Audit (Wales) Act 2004 (c.23) is amended as follows.

Commencement Information

I22 Sch. 3 para. 21 in force at 29.4.2019 by S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)

22 In section 41(6) (co-operation between the Auditor General for Wales and the Welsh Ministers in studies for improving economy etc. in services), for the words from “sections 94 and 95” to the end substitute “ sections 149A and 149B of the Social Services and Well-being (Wales) Act 2014 (reviews of studies and research and other reviews relating to local authority social services functions carried out by the Welsh Ministers). ”

Commencement Information

I23 Sch. 3 para. 22 in force at 29.4.2019 by S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)

23 In section 42(4) (co-operation between the Auditor General for Wales and the Welsh Ministers in studies about the impact of statutory provisions), for the words from “section 95(2)” to the end substitute “ sections 149A and 149B of the Social Services and Well-being (Wales) Act 2014 (reviews of studies and research and other reviews relating to local authority social services functions carried out by the Welsh Ministers). ”

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Commencement Information

I24 Sch. 3 para. 23 in force at 29.4.2019 by S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)

Children Act 2004

24 In section 30 of the Children Act 2004 (c.31) (inspection of functions under Part 3), for subsection (1) substitute—

“(1) The Welsh Ministers' functions under Part 8 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) may be exercised as if anything done by a local authority in Wales in the exercise of functions to which this section applies was in the exercise of a social services function of the local authority (within the meaning of that Act).”

Commencement Information

I25 Sch. 3 para. 24 in force at 29.4.2019 by S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)

Public Services Ombudsman (Wales) Act 2005

25 The Public Services Ombudsman (Wales) Act 2005 (c.10) is amended as follows.

Commencement Information

I26 Sch. 3 para. 25 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

26 In section 34R (meaning of “care home” and “care home provider”)—

- (a) in subsection (2), for the words from “has” to the end substitute “ means premises at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over; ”
- (b) in subsection (3), for “carries on a care home” substitute “ is a service provider of a care home service within the meaning of Part 1 of that Act where the service is provided wholly or mainly to persons aged 18 or over ”;
- (c) in subsection (5), for the words from “personal” to the end of paragraph (a) substitute “ care in a care home in Wales for an individual because of the individual's vulnerability or need, ”;
- (d) after subsection (5), insert—

“(6) “Care” has the same meaning as in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016.”

Commencement Information

I27 Sch. 3 para. 26 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

27 In section 42(4A) (meaning of “former care home provider”), for the words from “personal” to the end of paragraph (a) substitute “ care of a particular description at a care home in Wales (see section 32R), ”.

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Commencement Information

I28 Sch. 3 para. 27 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

Safeguarding Vulnerable Groups Act 2006

- 28 In paragraph 1 of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 (c.47) (regulated activity relating to children), in sub-paragraph (9B)—
- (a) for sub-sub-paragraph (h) substitute—
 - “(h) an inspection in Wales under section 33 of the Regulation and Inspection of Social Care (Wales) Act 2016 (inspections of regulated care and support services) of a residential family centre service, a fostering service, or an adoption service (each of which has the meaning given in Schedule 1 to that Act);”
 - (b) for sub-sub-paragraph (j) substitute—
 - “(j) a review under section 149B of the Social Services and Well-being (Wales) Act 2014 (reviews of local authority social services functions in Wales);”
 - (c) in sub-sub-paragraph (k) for “or investigation under section 94” substitute “under section 149B”.

Commencement Information

I29 Sch. 3 para. 28(a) in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

I30 Sch. 3 para. 28(b)(c) in force at 29.4.2019 by S.I. 2019/864, art. 2(3)(d), Sch. (with arts. 3-13)

Social Services and Well-being (Wales) Act 2014

- 29 The 2014 Act is amended as follows.

Commencement Information

I31 Sch. 3 para. 29 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

- 30 In section 1 (overview)—
- (a) in subsection (9)—
 - (i) after paragraph (b) insert—
 - “(ba) requires local authorities to produce—
 - (i) annual reports about the exercise of social services functions, and
 - (ii) reports about the stability of local markets for providing care and support, (sections 144A and 144B);”
 - (ii) after paragraph (c) insert—
 - “(ca) provides powers for the Welsh Ministers to conduct reviews relating to the exercise of social

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services functions of local authorities (sections 149A and 149B);”

(iii) in paragraph (d), for “161.” substitute “160);

(da) allows for the inspection of premises in connection with reviews of local authority social services functions conducted by the Welsh Ministers or the exercise of the Welsh Ministers' powers of intervention in relation to those functions, and for the Welsh Ministers to request information in connection with such reviews and makes related provision (sections 161 to 161C).”;”;

(b) in subsection (15)(c), for “an establishment or agency (within the meaning of the Care Standards Act 2000)” substitute “ a service provider (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016) ”.

Commencement Information

I32 Sch. 3 para. 30 in force at 23.2.2021 by [S.I. 2021/181](#), [art. 2\(c\)](#)

31 Section 183 (publicising advocacy services in care homes) is repealed.

Commencement Information

I33 Sch. 3 para. 31 in force at 2.4.2018 by [S.I. 2017/1326](#), [art. 2\(3\)\(h\)](#), [Sch.](#) (with [art. 6](#))

32 In section 188(1) (definitions for the purposes of sections 185 to 187), in the definition of “youth detention accommodation”, for paragraph (a) substitute—

“(a) a secure accommodation service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016);”.

Commencement Information

I34 Sch. 3 para. 32 in force at 2.4.2018 by [S.I. 2017/1326](#), [art. 2\(3\)\(h\)](#), [Sch.](#) (with [art. 6](#))

33 In section 189 (provider failure: temporary duty on local authority)—

(a) for subsection (1) substitute—

“(1) This section applies where a service provider becomes unable to provide a regulated service because of business failure.”;

(b) in subsection (2), for the words from “registered” to “agency” where it second occurs substitute “ service provider became unable to provide the regulated service, being met in the authority's area by the service provider ”;

(c) in subsection (5)(a), for “registered person became unable to carry on or manage the establishment or agency” substitute “ service provider became unable to provide the regulated service ”;

(d) in subsection (9)—

(i) the definition of “registered person” is repealed;

(ii) before the definition of “relevant carer” insert—

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““regulated service” (“*gwasanaeth rheoleiddiedig*”) has the same meaning as in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016;”

(iii) at the end insert—

““service provider” (“*darparwr gwasanaeth*”) has the same meaning as in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016.”

Commencement Information

I35 Sch. 3 para. 33 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with arts. 6, 8)

- 34 In section 190(1) (provider failure: exception to temporary duty), for “registered person became unable to carry on or manage the establishment or agency” substitute “service provider became unable to provide the regulated service”.

Commencement Information

I36 Sch. 3 para. 34 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with arts. 6, 8)

- 35 In section 191 (provider failure: supplementary)—
- (a) in subsection (6), for “registered person, or such other person involved in the establishment or agency's” substitute “service provider, or such other person involved in the service provider's”;
 - (b) in subsection (7), for “carry on or manage an establishment or agency” substitute “provide a regulated service”.

Commencement Information

I37 Sch. 3 para. 35 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with arts. 6, 8)

- [^{F3}36. In section 197(1) (definitions)—
- (a) for the definition of “care home”, substitute—
 - ““care home” (“*cartref gofal*”)—
 - (a) has the same meaning as in the Care Standards Act 2000 in respect of a care home in England; and
 - (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to adults;”;
 - (b) for the definition of “children’s home”, substitute—
 - ““children’s home” (“*cartref plant*”) means—
 - (a) a children’s home in England within the meaning of the Care Standards Act 2000 in respect of which a person is registered under Part 2 of that Act; and
 - (b) means premises in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to children by a person registered under Part 1 of that Act;”.]

Changes to legislation: *There are currently no known outstanding effects for the Regulation and Inspection of Social Care (Wales) Act 2016, PART 1. (See end of Document for details)*

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Textual Amendments

- F3** Sch. 3 para. 36 substituted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), **regs. 2(1)**, 59

Changes to legislation:

There are currently no known outstanding effects for the Regulation and Inspection of Social Care (Wales) Act 2016, PART 1.