WELSH STATUTORY INSTRUMENTS

2011 No. 1016 (W.153)

SOCIAL CARE, WALES

The Care Homes (Wales) (Miscellaneous Amendments) Regulations 2011

Made - - - -	*29 March 2011*
Laid before the National Assembly for Wales - -	*31 March 2011*
Coming into force - -	*1 June 2011*

The Welsh Ministers, in exercise of the powers conferred by sections 12(2), 22(1), 22(2)(a) and 118(5) to (7) of the Care Standards Act 2000(**1**) and having consulted such persons as they consider appropriate(**2**) make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Care Homes (Wales) (Miscellaneous Amendments) Regulations 2011 and they come into force on 1 June 2011.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

"the principal Regulations" ("*y prif Reoliadau*") means the Care Homes (Wales) Regulations 2002(**3**);

"the Registration Regulations" ("*y Rheoliadau Cofrestru*") means the Registration of Social Care and Independent Health Care (Wales) Regulations 2002(**4**).

(**1**) 2000 c. 14 ("the Act"). These powers are exercisable by the "appropriate Minister", this term is defined in section 121(1) of the Act in relation to Wales, as the National Assembly for Wales. The functions of the National Assembly for Wales under the Act were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). *See* section 121(1) of the Act for the definitions of "prescribed" and "regulations".

(**2**) *See* section 22(9) of the Act for the requirement to consult.

(**3**) S.I.2002/324 (W.37).

(**4**) S.I. 2002/919 (W.107).

Amendment of the principal Regulations

3.—(1) The principal Regulations are amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (interpretation), insert in the appropriate place in the alphabetical order—

""required qualification" ("*cymhwyster angenrheidiol*") means a qualification contained in a list maintained by the Welsh Ministers for the purposes of these Regulations;".

(3) In regulation 7 (fitness of registered provider)–

(a) for paragraph (3)(c) substitute the following—

"(c) full and satisfactory information or documentation is available in relation to him or her in respect of the relevant matters specified in paragraph (4).";

(b) renumber the existing provision in paragraph (4) and (5) as paragraph (5) and (6) respectively;

(c) after paragraph (3) insert the following—

"(4) The matters referred to in paragraph (3) are–

(a) where the individual manages or intends to manage the care home—

(i) except where paragraph (5) applies, in respect of each of the matters specified in paragraphs 1 to 6 of Schedule 2;

(ii) where paragraph (5) applies—

(aa) in respect of each of the matters specified in paragraphs 1 and 3 to 6 of Schedule 2, and

(bb) notification has been received under section 113E(4)(a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act)(**5**);

(b) where the individual does not manage or intend to manage the care home—

(i) except where paragraph (5) applies, in respect of each of the matters specified in paragraphs 1 to 5 and 6 of Schedule 2;

(ii) where paragraph (5) applies—

(aa) in respect of each of the matters specified in paragraphs 1, 3 to 5 and 6 of Schedule 2, and

(bb) notification has been received under section 113E(4)(a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).".

(4) For paragraph (3) of regulation 8 (appointment of manager), substitute—

"(3) If the registered provider intends to manage the care home, that individual must—

(a) comply with the requirements specified in regulation 9 (fitness of registered manager); and

(b) forthwith give notice to the appropriate office of the Welsh Assembly Government of the date on which such management is to begin.".

(5) In regulation 9 (fitness of registered manager)—

(a) in paragraph (2)—

(**5**) 1997 c. 50.