WELSH STATUTORY INSTRUMENTS

2006 No. 1703 (W.165)

PUBLIC HEALTH, WALES

The Private and Voluntary Health Care and Miscellaneous (Wales) (Amendment) Regulations 2006

Made - - - -	*27 June 2006*
Coming into force - -	*6 July 2006*

The National Assembly for Wales, in exercise of the powers conferred on it by sections 2(4), (7)(f) and (8), 12(2), 14(1)(d), 15(3), 16(1), 16(3), 22(1), (2)(a) to (d), (f) — (j), (5)(a) and (7)(a) to (h), (j) and (k), 25(1), 34(1), 35 and 118(5) to (7) of the Care Standards Act 2000(**1**) and having consulted such persons as it considers appropriate(**2**), hereby makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Private and Voluntary Health Care and Miscellaneous (Wales) (Amendment) Regulations 2006 and they come into force on 6 July 2006.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

"the Act" ("*y Ddeddf*") means the Care Standards Act 2000.

Amendment of the Private and Voluntary Health Care (Wales) Regulations 2002

3.—(1) In regulation 2(1) (Interpretation) of the Private and Voluntary Health Care (Wales) Regulations 2002(**3**) ("the 2002 Regulations") in the definition of "establishment" ("*sefydliad*") the words "or an independent clinic" are replaced by the following—

"an independent clinic or an independent medical agency;"

(2) After regulation 4 of the 2002 Regulations the following is added—

(**1**) 2000 c. 14. The powers are exercisable by the appropriate Minister, who is defined in section 121(1) in relation to Wales as the National Assembly for Wales.
(**2**) *See* section 22(9) of the Care Standards Act 2000 for the requirement to consult.
(**3**) S.I. 2002/325 (W.38).

"**Exception of undertaking from the definition of independent medical agency**

3A. For the purposes of the Act, any undertaking which consists of the provision of medical services by a medical practitioner solely under arrangements made on behalf of the patients by their employer or another person shall be excepted from being an independent medical agency."

(3) In regulation 8(1) (Policies and Procedures) the words "in or for the purposes of an establishment in relation to-"are replaced by the following—

"in or for the purposes of an independent hospital or independent clinic in relation to each of the matters specified below and for the purposes of an independent medical agency each of the matters specified in sub-paragraphs (a), (b), (f), (g) and (h)."

(4) "In regulation 10(3) the word "home" is replaced by "establishment".

Transitional Arrangements

4.—(1) This regulation applies to persons who by virtue of the provisions of the Act and these Regulations are required to be registered under the Act but who immediately before 6 July 2006 were not required to be so registered.

(2) Notwithstanding any such provision, a person who immediately before was carrying on or managing an independent medical agency may continue to carry on or manage the agency without being registered under the Act—

(a) during the period of 3 months beginning with that date; and

(b) if within that period application is made for registration, until that application is finally disposed of or withdrawn.

(3) In this regulation "finally disposed of" means the date 28 days following the grant or refusal of registration and, if an appeal is made, the date when the appeal is finally determined or abandoned.

Amendment of the Registration of Social Care and Independent Health Care (Wales) Regulations 2002

5.—(1) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002(**4**) are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1)—

(a) in the definition of "appropriate office of the National Assembly", after paragraph (j) insert —

"(k) in relation to an independent medical agency—

(i) if an office has been specified under regulation 2(2) of the Private and Voluntary Health Care (Wales) Regulations 2002 for the area in which the independent medical agency is situated, that office;

(ii) in any other case, any office of the National Assembly.";

(b) in the definition of "statement of purpose" in paragraph (c) insert the words "or independent medical agency" after "independent clinic".

(**4**) S.I. 2002/919 (W.107) as amended by S.I. 2003/237 (W.35)S.I. 2003/710 (W.86), 2003/2517 (W.242), S.I. 2003/2527 (W.242)S.I. 2003/2709 (W.260) and S.I. 2004/219 (W.23).