WELSH STATUTORY INSTRUMENTS

# 2006 No. 878 (W.83)

# SOCIAL CARE, WALES
# CHILDREN AND YOUNG PERSONS, WALES
# PUBLIC HEALTH, WALES

## The Care Standards Act 2000 and the Children Act 1989 (Abolition of Fees) (Wales) Regulations 2006

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| *Made - - - -* | *21 March 2006* |
| *Coming into force - -* | *1 April 2006* |

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 12(2), 15(3), 16(3), 22(7) and 118(5) to (7) of the Care Standards Act 2000(**1**) and sections 79F, 87D, 104(4) and paragraph 7 of Schedule 9A to, the Children Act 1989(**2**) and s94 (6) of the Health and Social Care (Community Health and Standards) Act 2003(**3**) hereby makes the following Regulations:

**Citation, commencement, interpretation and application**

**1.**—(1) The title of these Regulations is the Care Standards Act 2000 and the Children Act 1989 (Abolition of Fees) (Wales) Regulations 2006 and they come into force on 1 April 2006.

(2) In these Regulations—

"the 1989 Act" ("*Deddf 1989*") means the Children Act 1989; and

"the 2000 Act" ("*Deddf 2000*") means the Care Standards Act 2000;

"the 2003 Act" ("*Deddf 2003*") means the Health and Social Care (Community Health and Standards Act) 2003.

(**1**) 2000 c. 14. The powers are conferred upon the "appropriate Minister": *see* the definition of "regulations" in section 121(1) of the 2000 Act. The "appropriate Minister" means, in relation to Wales, "the Assembly"; "the Assembly" means the National Assembly for Wales: *see* section 5(b) of the 2000 Act. *See s*ection 121(1) of the 2000 Act for the definition of "prescribed". By virtue of S.I.2004/1756 (W. 188), the powers contained in Part II of the 2000 Act are exercisable in relation to adult placement schemes.

(**2**) 1989 c. 41. *See* section 79B of the 1989 Act for the definition of "regulations" and section 105 for the definition of "prescribed". The power under section 87D is conferred upon the Secretary of State. By virtue of Article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), the entry in respect of the 1989 Act in Schedule 1 to that Order and section 120(2) of the Care Standards Act 2000, the function of the Secretary of State under section 87D of the 1989 Act, is exercisable by the National Assembly for Wales in relation to Wales.

(**3**) The powers conferred on the National Assembly for Wales in relation to section 51 of the Care Standards Act 2000 were repealed by part 2 Schedule 14 of the Health and Social Care (Community Health and Standards) Act 2003 and replaced by section 94 of the 2003 Act.

(3) These Regulations apply in relation to Wales.

### Revocations

**2.** The following are hereby revoked—

(a) the Registration of Social Care and Independent Healthcare (Fees) (Wales) Regulations 2002(**4**);

(b) regulation 35 of the Adult Placement Schemes (Wales) Regulations 2004(**5**);

(c) regulation 34 of the Domiciliary Care Agencies (Wales) Regulations 2004(**6**);

(d) regulation 28 of the Nurses Agencies (Wales) Regulations 2003(**7**);

(e) regulation 51 of the Fostering Services (Wales) Regulations 2003(**8**);

(f) regulation 33 of the Residential Family Centres (Wales) Regulations 2003(**9**);

(g) regulation 6 of the Inspection of Boarding Schools and Colleges (Powers and Fees) (Wales) Regulations 2002(**10**);

(h) regulation 4 of the Children Act 1989 and the Care Standards Act 2000 (Miscellaneous Regulations) (Amendment) (Wales) (No. 2) Regulations 2002(**11**);

(i) Regulation 14(a) of the Registration of Social Care and Independent Health Care (Wales) Regulations 2002 (**12**);

### Prescribed fees for the purposes of the 2000 Act

**3.**—(1) For the purposes of section 12(2), 16(3), 22(7)(i) of the 2000 Act (applications for registration), in all cases the prescribed fee is nil.

(2) For the purposes of section 15(3) of the 2000 Act (applications by registered persons), in all cases the prescribed fee is nil.

### Prescribed fee for the purposes of the 1989 Act

**4.**—(1) For the purposes of sections 79F(1) and (2) of the 1989 Act (grant or refusal of registration), in all cases the prescribed fee is nil.

(2) For the purposes of paragraph 7 of Schedule 9A to the 1989 Act (annual fees) the prescribed fee is nil.

### Specified fee for the purposes of the 2003 Act

**5.** For the purposes of section 94(7) of the 2003 Act (reviews and investigations), the specified fee is nil.

(**4**) S.I. 2002/921 (W.109). Relevant amending instruments are listed in footnotes (2) to (9) below.
(**5**) S.I. 2004/1756 (W.188).
(**6**) S.I. 2004/219 (W.23).
(**7**) S.I. 2003/2527 (W.242).
(**8**) S.I. 2003/237 (W.35).
(**9**) S.I. 2003/781 (W.92).
(**10**) S.I. 2002/3161 (W.296).
(**11**) S.I. 2002/2935 (W.277).
(**12**) S.I. 2002/919 (W.107).