WELSH STATUTORY INSTRUMENTS

2004 No. 2414 (W.222)

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

The Care Standards Act 2000 and the Children Act 1989 (Amendment of Miscellaneous Regulations) (Wales) Regulations 2004

Made - - - - 15 September 2004

Coming into force in accordance with regulation 1(b)

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 22(1), (2)(a), (b), (7)(c) and 118(6) of the Care Standards Act 2000(**1**) and sections 79C(2), (3)(b), (f) and 104(a) of the Children Act 1989(**2**), and being of the opinion that it does not hereby effect any substantial change in the provision already made by regulations under section 22 of the 2000 Act(**3**), makes the following Regulations:

Citation and commencement

1. These Regulations—

(a) may be cited as the Care Standards Act 2000 and the Children Act 1989 (Amendment of Miscellaneous Regulations) (Wales) Regulations 2004;

(b) come into force on the day after that on which they are made.

Amendment of the Care Homes (Wales) Regulations 2002

2.—(1) The Care Homes (Wales) Regulations 2002(**4**) are amended as follows.

(**1**) 2000 c. 14. The powers are conferred upon the appropriate Minister. "appropriate Minister" means in relation to Wales, the Assembly (section 121(1) of the 2000 Act); "Assembly" means the National Assembly for Wales (section 5(1)(b) of the 2000 Act). *See* section 121(1) of the 2000 Act for the definition of "regulations".

(**2**) 1989 c. 41. The powers are conferred upon the Assembly. "the Assembly" means the National Assembly for Wales (section 79B(2) of the 1989 Act). Section 79C was inserted into the 1989 Act by section 79(1) of the Care Standards Act 2000.

(**3**) Section 22(9) of the Care Standards Act 2000 provides that the "appropriate Minister" must, before making regulations under that section, consult any persons he considers appropriate unless the regulations amend other regulations made under that section and do not, in the Minister's opinion, effect any substantial change in the provision made by those regulations.

(**4**) S.I.2002/324 (W. 37); relevant amendment made by S.I. 2002/2622 (W. 254).

(2) In Schedule 2 to those Regulations—

(a) in paragraph 2, after the words "under the Police Act 1997" insert "and subject to paragraph 8";

(b) at the end insert the following—

"**8.** The requirement in paragraph 2 for a certificate to include the matters specified in section 113(3C) or 115(6B) of the Police Act 1997 shall not apply in relation to a certificate that was available for the purposes of these Regulations immediately before 26 July 2004."

Amendment of the Children's Homes (Wales) Regulations 2002

3.—(1) The Children's Homes (Wales) Regulations 2002(**5**) are amended as follows.

(2) In Schedule 2 to those Regulations—

(a) in paragraph 2, after the words "under the Police Act 1997" insert "and subject to paragraph 8";

(b) at the end insert the following—

"**8.** The requirement in paragraph 2 for a certificate to include the matters specified in section 113(3C) or 115(6B) of the Police Act 1997 shall not apply in relation to a certificate that was available for the purposes of these Regulations immediately before 26 July 2004."

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

4.—(1) The Private and Voluntary Health Care (Wales) Regulations 2002(**6**) are amended as follows.

(2) In Schedule 2 to those Regulations—

(a) in paragraph 2, after the words "under the Police Act 1997" insert "and subject to paragraph 9";

(b) at the end insert the following—

"**9.** The requirement in paragraph 2 for a certificate to include the matters specified in section 113(3C) or 115(6B) of the Police Act 1997 shall not apply in relation to a certificate that was available for the purposes of these Regulations immediately before 26 July 2004."

Amendment of the Nurses Agencies (Wales) Regulations 2003

5.—(1) The Nurses Agencies (Wales) Regulations 2003(**7**) are amended as follows.

(2) In Schedule 2 to those Regulations—

(a) in paragraph 2, after "where applicable" insert "and subject to paragraph 10";

(b) at the end insert the following—

"**10.** The requirement in paragraph 2 for a certificate to include the matters specified in section 113(3C)(a) and (b) or 115(6B)(a) and (b) of the Police Act 1997 shall not apply in relation to a certificate that was available for the purposes of these Regulations immediately before 26 July 2004."

(**5**) S.I. 2002/327 (W. 40); relevant amendment made by S.I. 2002/2622 (W. 254).
(**6**) S.I. 2002/325 (W. 38); relevant amendment made by S.I. 2002/2622 (W.254).
(**7**) S.I. 2003/2527 (W. 242).