WELSH STATUTORY INSTRUMENTS

2003 No. 2709 (W.260)

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

The Registration of Social Care and Independent Health Care (Amendment) (Wales) Regulations 2003

Made - - - -	*21st October 2003*
Coming into force - -	*22nd October 2003*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 79E(2) and 104(4) of, and paragraph 6(2) of Schedule 9A to, the Children Act 1989(**1**) hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations made be cited as the Registration of Social Care and Independent Health Care (Amendment) (Wales) Regulations 2003 and shall come into force on 22 October 2003.

(2) These Regulations apply in relation to Wales.

Amendments

2.—(1) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002(**2**) are amended as follows—

(2) In regulation 2(1) at the appropriate place there is inserted —

""person in charge" means, in relation to the provision of day care, the individual appointed by the registered person as the person in charge of providing actual day care on the premises where the registered person or responsible individual as the case may be, is not or does not intend to be in actual day to day charge of the provisions of day care on the premises;".

(3) Regulation 17 shall be replaced with

(**1**) 1989 c. 41. Section 79E and Schedule 9A were inserted into the Children Act 1989 by section 79 of the Care Standards Act 2000 (c. 14). For the meaning of "prescribed" *see* section 105(1) of the 1989 Act and for the meaning of "regulations" *see* section 79B(7) of that Act (inserted by section 79 of the 2000 Act).

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

"**17.**—(1) An application for registration shall —

(a) be in writing on a form approved by the National Assembly;

(b) be sent or delivered to the appropriate office of the National Assembly;

(c) be accompanied by a recent photograph of the responsible person of whom the photograph shall be a true likeness;

(d) except where paragraph (2) applies, give full information or documentation, as the case may be, in respect of the matters specified in Schedules 7 and 8 in relation to the applicant and, as the case may be, any person other than the applicant who works for or is intended to work for the applicant in relation to child minding or the provision of day care;

(e) where paragraph (2) applies, give full information or documentation, as the case may be, in respect of each of the matters specified in paragraphs 1(a) and 2 of Schedule 7 and paragraphs 1, 4, 8 and 9 of Schedule 8 in relation to the applicant and, as the case may be, in respect of all the matters specified in Schedules 7 and 8 in relation to any person other than the applicant who works for or is intended to work for the applicant in relation to child minding or the provision of day care, including the person in charge.

(2) This paragraph applies where a person in charge has been appointed."

(4) In Regulation 18 after paragraph (c) there is inserted

"(cc) the name of the person in charge where one has been appointed;"

(5) Paragraph 3 of Schedule 7 shall be deleted.

(6) Schedule 8 shall be replaced with the following —

"SCHEDULE 8

DOCUMENTS TO BE SUPPLIED ON AN APPLICATION FOR REGISTRATION AS A CHILD MINDER OR AS A PROVIDER OF DAY CARE.

Documents concerning applicant and person in charge.

1. The responsible person's and the person in charge's birth certificate.

2. Certificates or other suitable evidence relating to the responsible person's or the person in charge's professional or technical qualifications, so far as such qualifications are relevant to looking after children under the age of eight.

3.—(1) Subject to sub-paragraph (2), a report by a general medical practitioner as to whether the responsible person or person in charge is physically and mentally fit to look after children under the age of eight.

(2) Where the responsible person or person in charge is unable to obtain the report referred to in sub-paragraph (1), a statement by the responsible person or person in charge as to the state of his or her physical and mental health.

4. The following documents in relation to the responsible person and the person in charge —

(a) a criminal record certificate—

(i) which has been issued under section 113 of the Police Act 1997; and