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W E L S H   S T A T U T O R Y  
I N S T R U M E N T S

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**2018 No. 48 (W. 15)**

**SOCIAL CARE, ENGLAND  
AND WALES**

**The Regulation and Inspection of  
Social Care (Wales) Act 2016  
(Consequential Amendments to  
Secondary Legislation) Regulations  
2018**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made under section 186 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”).

The Act introduces a new system of regulation for care and support services in Wales, replacing that established by the Care Standards Act 2000 (“the 2000 Act”).

Part 1 of the Act replaces the system of registration for the providers of social care services, set out in Parts 1 and 2 of the 2000 Act, where establishments and agencies were registered. This required a separate registration for each location where a service was provided.

The Act takes a different approach which is service based. A provider must register with the Welsh Ministers in order to provide any care and support service which is regulated under the Act and that registration will contain the details of all the locations at which the provider provides the regulated service.

Part 1 of the Act is commenced on 2 April 2018 in relation to the following regulated services:

- (a) a care home service;
- (b) a secure accommodation service;
- (c) a residential family centre service; and
- (d) a domiciliary support service.

Establishments and agencies that provide adoption, fostering and adult placements will remain subject to registration and inspection under the 2000 Act until the commencement in full of Part 1 of the Act.

Regulation 2 and Schedule 1 make amendments to secondary legislation as a consequence of this partial commencement.

Regulation 3 and Schedule 2 specify the secondary legislation revoked by these Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**The Regulation and Inspection of  
Social Care (Wales) Act 2016  
(Consequential Amendments to  
Secondary Legislation) Regulations  
2018**

*Made* 17 January 2018

*Laid before the National Assembly for Wales*  
19 January 2018

*Coming into force* 2 April 2018

The Welsh Ministers, in exercise of the powers conferred by section 186 of the Regulation and Inspection of Social Care (Wales) Act 2016<sup>(1)</sup>, make the following Regulations:

**Title and commencement**

**1.**—(1) The title of these Regulations is the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2018.

(2) These Regulations come into force on 2 April 2018.

**Amendments**

**2.** Schedule 1 (amendments consequential upon the commencement of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016) has effect.

**Revocations**

**3.** Schedule 2 (revocations) has effect.

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<sup>(1)</sup> 2016 anaw 2.

*Huw Irranca-Davies*

Minister for Children and Social Care, under authority  
of the Cabinet Secretary for Health and Social  
Services, one of the Welsh Ministers

17 January 2018

## SCHEDULE 1 Regulation 2

### Amendments consequential upon the commencement of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016

#### **Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**

**1.**—(1) The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(1) is amended as follows.

(2) In article 2(1)—

(a) for the definition of “children’s home” substitute—

““children’s home”—

(a) in relation to England, has the meaning given by section 1 of the Care Standards Act 2000(2); and

(b) in relation to Wales, means a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons under the age of 18.”;

(b) for the definition of “residential family centre” substitute—

““residential family centre”—

(a) in relation to England, has the meaning given by section 4(2) of the Care Standards Act 2000; and

(b) in relation to Wales, means a place at which a residential family centre service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided;”.

(3) In Schedule 1 (excepted professions, offices, employments, work and occupations), in Part 4 (interpretation), in the definition of “care services”, in paragraph (i), for the words in parentheses substitute—

“(where “care home”, in relation to England, has the same meaning as in the Care Standards Act 2000, and in relation to Wales, means a place at which a care home

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(1) S.I. 1975/1023, amended by S.I. 2014/1707; there are other amending instruments but none is relevant.

(2) 2000 c. 14.

service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over”.

(4) In Schedule 3 (excepted proceedings), after paragraph 17A insert—

“**17B.** Proceedings relating to registration under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016.”.

### **Children (Secure Accommodation) Regulations 1991**

**2.**—(1) The Children (Secure Accommodation) Regulations 1991<sup>(1)</sup> are amended as follows.

(2) In regulation 1A, in paragraph (1)(b)—

- (a) omit “secure”;
- (b) after “in Wales”, insert “provided for the purpose of restricting the liberty of children to whom the criteria in paragraph (a) or (b) of section 119(1) of the Social Services and Well-being (Wales) Act 2014 apply”.

### **Refuges (Children’s Homes and Foster Placements) Regulations 1991**

**3.**—(1) The Refuges (Children’s Homes and Foster Placements) Regulations 1991<sup>(2)</sup> are amended as follows.

(2) In regulation 4(1)(b) (withdrawal of a certificate), for “Parts III to V of the Children’s Homes (Wales) Regulations 2002” substitute “Parts 3 to 15 of the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017<sup>(3)</sup>”.

### **Council Tax (Chargeable Dwellings) Order 1992**

**4.**—(1) The Council Tax (Chargeable Dwellings) Order 1992<sup>(4)</sup> is amended as follows.

(2) In article 2, for the definition of “care home” substitute—

““care home” means—

- (a) in relation to England, a care home within the meaning of the Care Standards Act 2000, in respect of

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(1) S.I. 1991/1505. Regulation 1A was inserted by S.I. 2015/1988 (W. 261) and substituted on the same day by S.I. 2016/211 (W. 84). There are other amendments to these Regulations which are not relevant to these Regulations.

(2) S.I. 1991/1507; relevant amending instruments are S.I. 2002/546, 2002/2935 and 2015/541.

(3) S.I. 2017/1264 (W. 295).

(4) S.I. 1992/549.

which a person is registered in accordance with Part 1 of the Health and Social Care Act 2008<sup>(1)</sup>; and

- (b) in relation to Wales, a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over;”.

(3) In article 3A, for “Part 2 of the Care Standards Act 2000” substitute “Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

### **Council Tax (Liability for Owners) Regulations 1992**

**5.**—(1) The Council Tax (Liability for Owners) Regulations 1992<sup>(2)</sup> are amended as follows.

(2) In regulation 2, under the heading “residential care homes, etc”, in the entry for “Class A”, for paragraph (a) substitute—

- “(a) in relation to England, a care home, within the meaning of the Care Standards Act 2000, in respect of which a person is registered in accordance with Part 1 of the Health and Social Care Act 2008; and
- (aa) in relation to Wales, a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over.”.

### **Representation of the People (England and Wales) Regulations 2001**

**6.**—(1) The Representation of the People (England and Wales) Regulations 2001<sup>(3)</sup> are amended as follows.

(2) In regulation 53 (additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of severe sight-impairment or any other disability), after paragraph (2)(k), insert—

- “(ka) the person who is registered under Part 1 of the Regulation and Inspection

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(1) 2008 c. 14.

(2) S.I. 1992/551, as amended by S.I. 2015/1915; there are other amending instruments but none is relevant.

(3) S.I. 2001/341, to which there are amendments not relevant to these Regulations.

of Social Care (Wales) Act 2016 as the provider of a care home service (within the meaning of Part 1 of that Act) which is provided wholly or mainly to persons aged 18 or over;”.

**Police Act 1997 (Criminal Records) Regulations 2002**

7.—(1) The Police Act 1997 (Criminal Records) Regulations 2002<sup>(1)</sup> are amended as follows.

(2) In regulation 5B (work with adults)—

(a) in paragraph (1)(e), after paragraph (iv), insert—

“(iva) a regulated service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, in relation to which a requirement to register arises under section 5 of that Act;”;

(b) in paragraph (6), after sub-paragraph (e), insert—

“(ea)any form of work carried out, whether or not for gain, at a place which provides a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016) which is provided wholly or mainly to adults that gives the person carrying out the work the opportunity to have contact with the adults who are resident at that place;”.

(3) In regulation 5C (work with children), after paragraph (j), insert—

“(ja) registration under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (regulated services);”.

**Disqualification from Caring for Children (England) Regulations 2002**

8.—(1) The Disqualification from Caring for Children (England) Regulations 2002<sup>(2)</sup> are amended as follows.

(2) In regulation 2 (grounds for disqualification), after paragraph (7), insert—

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(1) S.I. 2002/233, to which are amendments not relevant to these Regulations.

(2) S.I. 2002/635, to which there are amendments not relevant to these Regulations.



“(7A) In relation to the registration of a care home (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”)) which is provided wholly or mainly to children—

- (a) the person’s application for registration has been refused under section 7 of the 2016 Act;
- (b) the person’s application to vary their registration (in accordance with section 11(1)(a)(i) or (ii) of the 2016 Act) has been refused under section 12 of the 2016 Act;
- (c) the person’s registration has been cancelled under section 15(1)(b) to (f) or 23(1) of the 2016 Act;
- (d) the person has been concerned in the management of, or had a financial interest in, a care home service provided wholly or mainly to children in respect of which the registration of any person has been cancelled under section 15(1)(b) to (f) or 23(1) of the 2016 Act; or
- (e) the person’s registration has been varied under section 13(3)(b) or (4)(b) or 23(1) of the 2016 Act.”.

(3) In the Schedule (specified offences), in paragraph 1 (offences in England and Wales), after sub-paragraph (2), insert—

“(3) An offence in relation to a care home service provided wholly or mainly to children under or by virtue of any of the following provisions of the Regulation and Inspection of Social Care (Wales) Act 2016—

- (a) section 5 (requirement to register);
- (b) section 43 (failure to comply with a condition);
- (c) section 44 (false descriptions);
- (d) section 45 (failure by service provider to comply with requirements in regulations); or
- (e) section 47 (false statements).”.

## **Registration of Social Care and Independent Health Care (Wales) Regulations 2002**

**9.**—(1) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002<sup>(1)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “appropriate office of the National Assembly” omit the following paragraphs—
  - (i) paragraphs (a) and (b),
  - (ii) the second paragraph (f) (which relates to an offence specified under section 2(4) of the Nurses Agencies (Wales) Regulations 2003<sup>(2)</sup>),
  - (iii) paragraph (h);
- (b) omit the definitions of “domiciliary care agency” and “placement plan”;
- (c) in the definition of “statement of purpose” omit paragraphs (a), (b), (f) and (i).

(3) In regulation 4 (information and documents to be provided by an applicant), in paragraph (4), in the table, omit the entries relating to—

- (a) care home;
- (b) children’s home.

(4) In regulation 9 (contents of certificate), in paragraph (e), for “section 4(8)(a) or (9)(a)” substitute “section 4(8)(a)(iii), (iv), (v), (vii) or (9)(a)(i), (iv), (v), (vi)”.

(5) In Schedule 1 (information to be supplied on an application for registration as a person who carries on an establishment or agency)—

- (a) in Part 1 (information about the applicant)—
  - (i) in paragraph 1, omit sub-paragraphs (ba) and (g),
  - (ii) in paragraph 2, omit sub-paragraph (ca);
- (b) in Part 2 (information about the establishment)—
  - (i) in paragraph 5, for “section 4(8)(a) or (9)(a)” substitute “section 4(8)(a)(iii), (iv), (v), (vii) or (9)(a)(i), (iv), (v), (vi)”,

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<sup>(1)</sup> S.I. 2002/919 (W. 107); relevant amending instruments are S.I. 2003/237 (W. 35), 2003/2527 (W. 242), 2004/219 (W.23), 2007/311 (W. 28), 2011/1016 (W. 153), 2013/225 (W. 30), and 2017/52 (W. 23).

<sup>(2)</sup> As a result of a drafting error a second paragraph (f) was purportedly added by the Nurses Agencies (Wales) Regulations 2003 (S.I. 2003/2527 (W. 242)).

(ii) in paragraph 13, for “section 4(8)(a) or (9)(a)” substitute “section 4(8)(a)(iii), (iv), (v), (vii) or (9)(a)(i), (iv), (v), (vi)”;

(c) in Part 3 (further information about staff), in paragraph 16, omit sub-paragraph (ea).

(6) In Schedule 3 (information and documents to be supplied on an application for registration as the manager of an establishment or agency), omit paragraphs 2A, 2B and 2C.

(7) Omit Schedule 4 (information to be supplied on an application for registration in respect of a care home) and Schedule 5 (information to be supplied on an application for registration in respect of a children’s home).

### **National Health Service (Travel Expenses and Remission of Charges) Regulations 2003**

**10.**—(1) The National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(1) are amended as follows.

(2) In regulation 2 (interpretation), for the definition of “care home” substitute—

““care home” means—

- (a) a care home in England within the meaning given by section 3 of the Care Standards Act 2000, and
- (b) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over;”.

(3) In Schedule 1 (modifications of the Income Support (General) Regulations 1987), in Table B, in the entry relating to regulation 18, in column 2 of the inserted regulation 19A (care homes), for paragraph (a) and the “or” immediately following it, substitute—

- “(a) a care home in England within the meaning of section 3 of the Care Standards Act 2000;
- (aa) a place in Wales at which a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016) is provided wholly or mainly to persons aged 18 or over; or”.

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(1) S.I. 2003/2382, to which there are amendments not relevant to these Regulations.

## **Disqualification from Caring for Children (Wales) Regulations 2004**

**11.**—(1) The Disqualification from Caring for Children (Wales) Regulations 2004<sup>(1)</sup> are amended as follows.

(2) In the Schedule—

- (a) in Part 1 (specified offences), after paragraph 4, insert—

**“4A.** An offence in relation to a care home service provided wholly or mainly to persons under the age of 18 under or by virtue of any of the following provisions of the Regulation and Inspection of Social Care (Wales) Act 2016—

- (a) section 5 (requirement to register);
- (b) section 43 (failure to comply with a condition);
- (c) section 44 (false descriptions);
- (d) section 45 (failure by service provider to comply with requirements in regulations); or
- (e) section 47 (false statements).”;

- (b) in Part 2 (relevant persons), after paragraph 25, insert—

**“25A.** In relation to the registration of a care home service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016) (“the 2016 Act”) which is provided wholly or mainly to persons under the age of 18—

- (a) the person’s application for registration has been refused under section 7 of the 2016 Act;
- (b) the person’s application to vary their registration (in accordance with section 11(1)(a)(i) or (ii) of the 2016 Act) has been refused under section 12 of the 2016 Act;
- (c) the person’s registration has been cancelled under section 15(1)(b) to (f) or 23(1) of the 2016 Act;
- (d) the person has been concerned in the management of, or had a financial interest in, a care home service provided wholly or mainly to persons under the age of 18 in respect of which the registration of any person has been cancelled under section 15(1)(b) to (f) or 23(1) of the 2016 Act; or

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(1) S.I. 2004/2695 (W. 235), to which there are amending instruments not relevant to these Regulations.

- (e) the person's registration has been varied under section 13(3)(b) or (4)(b) or 23(1) of the 2016 Act.”.

**Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006**

**12.**—(1) The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006(1) are amended as follows.

(2) In Schedule 1 (buildings which are not HMOs for any purpose of the Act (excluding Part 1))—

- (a) at the end of paragraph (h), insert “and”;
- (b) omit paragraphs (i) to (k);
- (c) at the end insert—
  - “(i) The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017.”.

**National Assembly for Wales (Representation of the People) Order 2007**

**13.**—(1) The National Assembly for Wales (Representation of the People) Order 2007(2) is amended as follows.

(2) In Schedule 1 (absent voting at Assembly Elections), in paragraph 4(2) (additional requirements for applications on the grounds of severe sight impairment or other disability), for paragraph (k), substitute—

- “(k) a person who is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 as the provider of a care home service (within the meaning of that Part) which is provided wholly or mainly to persons aged 18 or over;”.

**Review of Children's Cases (Wales) Regulations 2007**

**14.**—(1) The Review of Children's Cases (Wales) Regulations 2007(3) are amended as follows.

(2) In regulation 1(2) (title, commencement, interpretation and application), in the definition of “link worker” (“*gweithiwr dolen gyswllt*”) for “Children's Homes (Wales) Regulations 2002”

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- (1) S.I. 2006/1715 (W. 177), to which there are amending instruments not relevant to these Regulations.
  - (2) S.I. 2007/236, amended by S.I. 2017/52 (W. 23).
  - (3) S.I. 2007/307 (W. 26), as amended by S.I. 2016/216 (W. 85); there are other amending instruments but none are relevant.

substitute “Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017”.

(3) In regulation 14 (exceptions to application of Regulations), in paragraph (1)—

- (a) after “school” insert “in England”;
- (b) at the end, insert “, or in a school in Wales at which a care home service, within the meaning of Part 1 of and paragraph 1(3) of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016, is provided.”.

#### **Placement of Children (Wales) Regulations 2007**

**15.**—(1) The Placement of Children (Wales) Regulations 2007<sup>(1)</sup> are amended as follows.

(2) In regulation 3 (application of Regulations), in paragraph (2)—

- (a) after “school” insert “in England”;
- (b) at the end, insert “, or in a school in Wales at which a care home service, within the meaning of Part 1 of and paragraph 1(3) of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016, is provided.”.

#### **Smoke-free Premises etc. (Wales) Regulations 2007**

**16.**—(1) The Smoke-free Premises etc. (Wales) Regulations 2007<sup>(2)</sup> are amended as follows.

(2) In regulation 1(3) (title, commencement, application and interpretation), for the definition of “care home” (“*catref gofal*”) substitute—

““care home” (“*catref gofal*”) means a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over;”.

#### **National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007**

**17.**—(1) The National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007<sup>(3)</sup> are amended as follows.

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- (1) S.I. 2007/310 (W. 27), as amended by S.I. 2016/216 (W. 85); there are other amending instruments but none are relevant.
  - (2) S.I. 2007/787 (W. 68), to which there are amendments not relevant to these Regulations.
  - (3) S.I. 2007/1104 (W. 116), to which there are amendments not relevant to these Regulations.

(2) In regulation 2 (interpretation), for the definition of “care home” (“*cartref gofal*”) substitute—

““care home” (“*cartref gofal*”) means—

(a) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over, and

(b) a care home in England within the meaning given by section 3 of the Care Standards Act 2000;”.

(3) In Schedule 1 (modifications of the Income Support (General) Regulations 1987), in Table B, in the entry relating to regulation 18, in column 2, in the inserted regulation 19A (care homes) for paragraph (a) and the “or” immediately following it, substitute—

“(a) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over;

(aa) a care home in England within the meaning of section 3 of the Care Standards Act 2000; or”.

### **Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007**

**18.**—(1) The Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007(1) are amended as follows.

(2) In regulation 8(4) (persons who may provide an LPA certificate), for the definition of “care home” substitute—

““care home” means—

(a) a care home in England within the meaning given by section 3 of the Care Standards Act 2000, and

(b) a place in Wales at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over;”.

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(1) S.I. 2007/1253, relevant amending instruments are S.I. 2012/479 and 2017/52 (W. 23).

## Controlled Drugs (Supervision of Management and Use) (Wales) Regulations 2008

**19.**—(1) The Controlled Drugs (Supervision of Management and Use (Wales) Regulations 2008<sup>(1)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “Welsh care home” (“*cartref gofal yng Nghymru*”), for “a body” to the end substitute “a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over”.

(3) In regulation 23(f) (relevant persons), for subparagraph (i) substitute—

“(i) a person who is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 as the provider of a care home service (within the meaning of that Part) which is provided wholly or mainly to persons aged 18 or over, or a person who is registered with Social Care Wales as the manager<sup>(2)</sup> of such a care home service (referred to in this paragraph as “a registered person”), or”.

## The Childcare (Disqualification) Regulations 2009

**20.**—(1) The Childcare (Disqualification) Regulations 2009<sup>(3)</sup> are amended as follows.

(2) In Schedule 1 (orders etc. relating to the care of children), after paragraph 15, insert—

“**15A.** In relation to the registration of a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”)) which is provided wholly or mainly to persons under the age of 18—

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- (1) S.I. 2008/3239 (W. 286), to which there are amendments not relevant to these Regulations.
  - (2) The responsible individual of a regulated service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”)) is required to appoint a person to manage the regulated service, in this case a care home service provided wholly or mainly for persons aged 18 or over (*see* Part 1 of the 2016 Act). This requirement is set out in regulation 67 of the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 (duty to appoint a manager) and a manager in appointed in accordance with this provision is required to be registered with Social Care Wales (*see* regulation 35(2)(e) of those Regulations (fitness of staff)). Social Care Wales (Gofal Cymdeithasol Cymru) has the meaning given by section 67 of the 2016 Act.
  - (3) S.I. 2009/1547, to which there are amending instruments not relevant to these Regulations.



- (a) a refusal of P's application for registration under section 7 of the 2016 Act;
- (b) a refusal under section 12 of the 2016 Act of P's application to vary P's registration (made in accordance with section 11(1)(a)(i) or (ii) of that Act);
- (c) a cancellation of P's registration under section 15(1)(b) to (f) or 23(1) of the 2016 Act;
- (d) a cancellation of the registration of any person under section 15(1)(b) to (f) or 23(1) of the 2016 Act in relation to a care home service provided wholly or mainly to persons under the age of 18 in which P has been concerned in the management, or in which P had any financial interest;
- (e) a variation of P's registration under section 13(3)(b) or (4)(b) or 23(1) of the 2016 Act; or
- (f) a refusal of P's application for registration or cancellation of P's registration under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.”.

(3) In Schedule 3 (specified offences), in paragraph 1 (offences in England and Wales), after subparagraph (3), insert—

“(4) An offence in relation to a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”)) provided wholly or mainly to persons under the age of 18 under or by virtue of any of the following provisions of the 2016 Act—

- (a) section 5 (requirement to register);
- (b) section 43 (failure to comply with a condition);
- (c) section 44 (false descriptions);
- (d) section 45 (failure by service provider to comply with requirements in regulations); or
- (e) section 47 (false statements).”.

## Care Planning, Placement and Case Review (England) Regulations 2010

**21.**—(1) The Care Planning, Placement and Case Review (England) Regulations 2010<sup>(1)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “appropriate person”, in paragraph (c), after “Care Standards Act 2000”, insert “or, who is registered as the service provider under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016,”;
- (b) in the definition of “registered manager”, after “Care Standards Act 2000”, insert “or with Social Care Wales<sup>(2)</sup>”.

(3) In regulation 6 (arrangements for looking after a child), in paragraph (3)(e), after “Care Standards Act 2000”, insert “or, who is registered as the service provider under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

(4) In regulation 28 (frequency of visits), in paragraph (7)(b), after “or agencies)” insert “or under section 39 of the Regulation and Inspection of Social Care (Wales) Act 2016 (notifying local authorities of certain action under this Part)”.

## Child Minding and Day Care (Disqualification) (Wales) Regulations 2010

**22.**—(1) The Child Minding and Day Care (Disqualification) (Wales) Regulations 2010<sup>(3)</sup> are amended as follows.

(2) In Schedule 1 (orders etc relating to the care of children), after paragraph 16 insert—

**“16A.** In relation to the registration of a care home service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”)) which is

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- (1) S.I. 2010/959, relevant amending instruments are S.I. 2011/581, 2013/706 and 2015/495.
  - (2) The responsible individual of a regulated service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”)) is required to appoint a person to manage the regulated service, in this case a secure accommodation service (*see* Part 1 of and Schedule 1 to the 2016 Act), which is referred to in these Regulations as a “secure children’s home”. This requirement is set out in regulation 67 of the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 (duty to appoint a manager) and a manager in appointed in accordance with this provision is required to be registered with Social Care Wales (*see* regulation 35(2)(e) of those Regulations (fitness of staff)). Social Care Wales (Gofal Cymdeithasol Cymru) has the meaning given by section 67 of the 2016 Act.
  - (3) S.I. 2010/1703 (W. 163), to which there are amendments not relevant to these Regulations.

provided wholly or mainly to persons under the age of 18—

- (a) a refusal of P's application for registration under section 7 of the 2016 Act;
- (b) a refusal under section 12 of the 2016 Act of P's application to vary P's registration (made in accordance with section 11(1)(a)(i) or (ii) of the 2016 Act);
- (c) a cancellation of P's registration under section 15(1)(b) to (f) or 23(1) of the 2016 Act;
- (d) a cancellation of the registration of any person under section 15(1)(b) to (f) or 23(1) of the 2016 in relation to a care home service provided wholly or mainly to persons under the age of 18 in which P has been concerned in the management, or in which P had any financial interest;
- (e) a variation of P's registration under section 13(3)(b) or (4)(b) or 23(1) of the 2016 Act; or
- (f) a refusal of P's application for registration or cancellation of P's registration under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.”.

(3) In Schedule 3 (specified offences), in paragraph 1 (offences in England and Wales), after subparagraph (4) insert—

“(5) An offence in relation to a care home service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 (the 2016 Act)) provided wholly or mainly to persons under the age of 18 under or by virtue of any of the following provisions of the 2016 Act—

- (a) section 5 (requirement to register);
- (b) section 43 (failure to comply with a condition);
- (c) section 44 (false descriptions);
- (d) section 45 (failure by service provider to comply with requirements in regulations); or
- (e) section 47 (false statements).”.

## **Building Regulations 2010**

**23.**—(1) The Building Regulations 2010<sup>(1)</sup> are amended as follows.

(2) In regulation 37A (provision of automatic fire suppression systems), in paragraph (1)(a), for the words “as defined” to the end substitute “means places at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, are provided wholly or mainly to persons aged 18 or over”.

## **Visits to Former Looked After Children in Detention (England) Regulations 2010**

**24.**—(1) The Visits to Former Looked After Children in Detention (England) Regulations 2010<sup>(2)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “registered manager”, for “as a manager of that home” substitute “or with Social Care Wales<sup>(3)</sup> as a manager of that home”;
- (b) in the definition of “secure children’s home”—
  - (i) after “a children’s home” insert “in England”,
  - (ii) after “Care Standards Act 2000”, insert “or premises in Wales at which a secure accommodation service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided and in respect of which a person is registered under Part 1 of that Act”.

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- (1) S.I. 2010/2214. Regulation 37A was inserted by S.I. 2013/2730 (W. 264).
  - (2) S.I. 2010/2797, as amended by S.I. 2013/706; there are other amending instruments but none are relevant.
  - (3) The responsible individual of a regulated service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”)) is required to appoint a person to manage the regulated service, in this case a secure accommodation service (*see* Part 1 of and Schedule 1 to the 2016 Act), which is referred to in these Regulations as a “secure children’s home”. This requirement is set out in regulation 67 of the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 (duty to appoint a manager) and a manager appointed in accordance with this provision is required to be registered with Social Care Wales (*see* regulation 35(2)(e) of those Regulations (fitness of staff)). Social Care Wales (Gofal Cymdeithasol Cymru) has the meaning given by section 67 of the 2016 Act.

### **Child Minding and Day Care Exceptions (Wales) Order 2010**

**25.**—(1) The Child Minding and Day Care Exceptions (Wales) Order 2010(1) is amended as follows.

(2) In article 11 (day care for children exceptions), for “cared for” to the end substitute “who receives a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, at a place where such services are provided wholly or mainly to children and in respect of which a person is registered under Part 1 of that Act”.

(3) In article 12—

- (a) in paragraph (a), for “care home” substitute “place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over”;
- (b) in paragraph (c), for “residential family centre” substitute “place at which a residential family centre service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided”.

### **Arrangements for Placement of Children by Voluntary Organisations and Others (England) Regulations 2011**

**26.**—(1) The Arrangements for Placement of Children by Voluntary Organisations and Others (England) Regulations 2011(2) are amended as follows.

(2) In regulation 3 (application of Regulations)—

- (a) after “school” insert “in England”;
- (b) after “the 2000 Act”, insert “or in a school in Wales at which a care home service, within the meaning of Part 1 of and paragraph 1(3) of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016, is provided”.

### **Police and Crime Commissioner Elections Order 2012**

**27.**—(1) The Police and Crime Commissioner Elections Order 2012(3) is amended as follows.

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- (1) S.I. 2010/2839 (W. 233), to which there are amendments not relevant to these Regulations.
  - (2) S.I. 2011/582, to which there are amendments not relevant to these Regulations.
  - (3) S.I. 2012/1917, as amended by S.I. 2017/52 (W. 52); there are other amending instruments which are not relevant to these Regulations.

(2) In Schedule 2 (absent voting in PCC elections), in paragraph 15(2) (additional requirements referred to in paragraph 14(4)), after paragraph (j) insert—

“(ja)the person registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 in respect of a care home service (within the meaning of that Act) provided wholly or mainly to persons aged 18 or over where the applicant states that he or she is resident at a place where that service is provided;”.

#### **Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012**

**28.**—(1) The Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012(1) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “care home”—

- (a) immediately before “has the meaning”, insert “in England”;
- (b) at the end, insert “, and in Wales means a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, which is provided wholly or mainly to adults”.

#### **National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012**

**29.**—(1) The National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012(2) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “secure children’s home”, at the end, insert “, or premises in respect of which a person is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 to provide a secure accommodation service within the meaning of Part 1 of and Schedule 1 to that Act”.

(3) In Schedule 1 (additional persons for whom a CCG has responsibility), in paragraph 1—

- (a) for the definition of ““care home” and “children’s home”” substitute—  
““care home”—

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(1) S.I. 2012/2885, to which there are amendments not relevant to these Regulations.

(2) S.I. 2012/2996, to which there are amendments not relevant to these Regulations.

- (a) in England, has the same meaning as in the Care Standards Act 2000, and
- (b) in Wales, means a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, which is provided wholly or mainly to adults;”  
;
- (b) in the appropriate place insert—  
““children’s home”—
- (a) in England, has the same meaning as in the Care Standards Act 2000, and
- (b) in Wales, means a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, which is provided wholly or mainly to children;”.

#### **Representations Procedure (Wales) Regulations 2014**

**30.**—(1) The Representations Procedure (Wales) Regulations 2014<sup>(1)</sup> are amended as follows.

(2) In regulation 12(5) (matters subject to concurrent consideration), for “22” substitute “22A”.

(3) In regulation 15(3) (representations made by “other persons” under section 174(1)(b) or (c), (3)(f), (4)(d) and (5)(b) of the Social Services and Well-being (Wales) Act 2014), for “22” substitute “22A”.

(4) After regulation 22 (handling of care standards representations), insert—

#### **“Handling of regulated services representations**

**22A.**—(1) Except where paragraph (2) applies, in any case where representations relate wholly or partly to a regulated service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, the local authority receiving such representations must, within 2 working days of receipt—

- (a) send details of the whole of the representations or that part of any representation which relates to the regulated service to the person registered by the Welsh Ministers as the service provider in respect of that regulated service;

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(1) S.I. 2014/1795 (W. 188), as amended by S.I. 2016/211 (W. 84); there are other amending instruments but none are relevant.

- (b) request the service provider to whom the details are sent under sub-paragraph (a) to notify the authority within 10 working days of receipt of the outcome of its consideration of the representations; and
- (c) inform the person making the representations of the action taken under sub-paragraphs (a) and (b).

(2) This paragraph applies where—

- (a) representations have already been considered by the service provider; or
- (b) the local authority is of the opinion that to proceed under paragraph (1) would be likely to compromise or prejudice an investigation by the Welsh Ministers.

(3) In any case where representations relate wholly or partly to services provided by a regulated service in respect of which a person is registered by the Welsh Ministers, the local authority must notify the Welsh Ministers if it has not been possible to resolve the representations under regulation 17.”.

#### **Care and Support (Direct Payments) Regulations 2014**

**31.**—(1) The Care and Support (Direct Payments) Regulations 2014<sup>(1)</sup> are amended as follows.

(2) In regulation 1(3) (citation, commencement and interpretation), in the definition of “care home”, at the end insert “, or a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to adults”.

#### **National Health Service (Charges for Drugs and Appliances) Regulations 2015**

**32.**—(1) The National Health Service (Charges for Drugs and Appliances) Regulations 2015<sup>(2)</sup> are amended as follows.

(2) In regulation 11(3) (exemption from charges for prisoners and persons detained in other secure accommodation), in the definition of “other secure accommodation”—

- (a) after paragraph (b) omit “or”;
- (b) after paragraph (c) insert—

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(1) S.I. 2014/2871, to which there are amendments not relevant to these Regulations.

(2) S.I. 2015/570, as amended by S.I. 2013/261 and 2014/452; there are other amending instruments but none are relevant.



“or

- (d) premises at which a secure accommodation service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided;”.

**Care Quality Commission (Membership) Regulations 2015**

**33.**—(1) The Care Quality Commission (Membership) Regulations 2015(1) are amended as follows.

(2) In the Schedule (grounds for disqualification), after paragraph 23, insert—

“**23A.**—(1) Unless sub-paragraph (2) applies, the person’s registration as a provider of a regulated service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”), has been—

- (a) cancelled under section 15(1)(b) to (f) or 23(1) of the 2016 Act; or
- (b) varied under section 13(3)(b) or (4)(b) or 23(1) of the 2016 Act.

(2) Paragraph (1) does not apply where—

- (a) the decision to cancel or vary has been subject to a direction of the Tribunal under section 26(4)(b) of the 2016 Act;
- (b) the cancellation was only by reason of an application for cancellation having been made by the provider of a regulated service pursuant to section 14 of the 2016 Act; or
- (c) the variation was only by reason of an application for variation having been made by the provider of a regulated service pursuant to section 11 of the 2016 Act.”.

**Care and Support (Ordinary Residence) (Specified Accommodation) (Wales) Regulations 2015**

**34.**—(1) The Care and Support (Ordinary Residence) (Specified Accommodation) (Wales) Regulations 2015(2) are amended as follows.

(2) In regulation 1(3) (title, commencement, application and interpretation), in the definition of “care home accommodation” (“*llety cartref gofal*”), for “in a care home” to the end substitute “at a place at which a care home service, within the meaning of Part

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(1) S.I. 2015/1479.

(2) S.I. 2015/1499 (W. 171).

1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to adults”.

### **Care Planning, Placement and Case Review (Wales) Regulations 2015**

**35.**—(1) The Care Planning, Placement and Case Review (Wales) Regulations 2015<sup>(1)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “appropriate person” (“*person priodol*”), in paragraph (c), after “Care Standards Act 2000” insert “or the person who is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”;
- (b) in the definition of “link worker” (“*gweithiwr dolen gyswllt*”), for “Children’s Homes (Wales) Regulations 2002” substitute “Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017”;
- (c) in the definition of “registered manager” (“*rheolwr cofrestredig*”), after “Care Standards Act 2000”, insert “or with Social Care Wales”<sup>(2)</sup>.

(3) In regulation 6 (preparation and content of the care and support plan), in paragraph (3)(e), after “Care Standards 2000”, insert “or the person who is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

(4) In regulation 31(7)(b) (frequency of visits), after “establishments or agencies)” insert “or under section 39 of the Regulation and Inspection of Social Care (Wales) Act 2016 (notifying local authorities of certain action under this part)”.

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<sup>(1)</sup> S.I. 2015/1818 (W. 261).

<sup>(2)</sup> The responsible individual of a regulated service (within the meaning of part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) (“the 2016 Act”)) is required to appoint a person to manage the regulated service, in this case a secure accommodation service (*see* Part 1 of and Schedule 1 to the 2016 Act), which is referred in these Regulations as a “secure children’s home”. This requirement is set out in regulation 67 of the Regulated Service (Service Providers and Responsible Individuals) (Wales) Regulations 2017 (duty to appoint a manager) and a manager appointed in accordance with this provision is required to be registered with Social Care Wales (*see* regulation 35(2)(e) of those Regulations (fitness of staff)). “Social Care Wales” (Gofal Cymdeithasol Cymru) has the meaning given by section 67 of the 2016 Act.

### **Visits to Children in Detention (Wales) Regulations 2015**

**36.**—(1) The Visits to Children in Detention (Wales) Regulations 2015(1) are amended as follows.

(2) In regulation 8(3)(c) for “registered manager” substitute “manager”(2).

### **Care and Support (Choice of Accommodation) (Wales) Regulations 2015**

**37.**—(1) The Care and Support (Choice of Accommodation) (Wales) Regulations 2015(3) are amended as follows.

(2) In regulation 1(3) (title, commencement, application and interpretation), in the definition of “care home accommodation” (“*llety cartref gofal*”)—

(a) before paragraph (a), insert—

“(za) accommodation in Wales in a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to adults;”;

(b) in paragraph (a), omit “Wales or”.

### **Care and Support (Business Failure) (Wales) Regulations 2015**

**38.**—(1) The Care and Support (Business Failure) (Wales) Regulations 2015(4) are amended as follows.

(2) In regulation 1(3) (title, commencement, application and interpretation), in the definition of “a provider” (“*darparwr*”), after “registered under” insert “Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 in respect of a regulated service

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(1) S.I. 2015/1823 (W. 265).

(2) The responsible individual of a regulated service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) (“the 2016 Act”)) is required to appoint a person to manage the regulated service, in this case a secure accommodation service (*see* Part 1 of and Schedule 1 to the 2016 Act), which is one of the settings referred to in these Regulations as “an institution” (*see* definition in regulation 2(1) of these Regulations and also section 188 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) for the definition of “youth detention accommodation”). This requirement is set out in regulation 67 of the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 (duty to appoint a manager) and a manager appointed in accordance with this provision is required to be registered with Social Care Wales (*see* regulation 35(2)(e) of those Regulations (fitness of staff)). Social Care Wales (Gofal Cymdeithasol Cymru) has the meaning given by section 67 of the 2016 Act.

(3) S.I. 2015/1840 (W. 268), to which there are amendments not relevant to these Regulations.

(4) S.I. 2015/1920 (W. 286).

(within the meaning of that Act), or a person registered under”.

# **Partnership Arrangements (Wales) Regulations 2015**

**39.**—(1) The Partnership Arrangements (Wales) Regulations 2015<sup>(1)</sup> are amended as follows.

(2) In regulation 11(4) (membership of regional partnership boards) for the definition of “care provider” (“*darparwr gofal*”) substitute—

““care provider” (“*darparwr gofal*”) means—

- (a) a person who is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 to provide a regulated service (within the meaning of that Act), and
- (b) a person registered under Part 2 of the Care Standards Act 2000 in respect of a establishment or agency (within the meaning of that Act);”.

(3) In regulation 19(2) (establishment and maintenance of pooled funds), for the definition of “care home” (“*cartref gofal*”) substitute—

““care home” (“*cartref gofal*”) means a place at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to adults;”.

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<sup>(1)</sup> S.I. 2015/1989 (W. 299), as amended by S.I. 2017/491 (W. 103); there are other amending instruments but none are relevant.

## SCHEDULE 2 Regulation 3

### Revocations

The following instruments are revoked.

<i>Regulations revoked</i>	<i>Reference</i>
Care Homes (Wales) Regulations 2002	S.I. 2002/324 (W. 37)
Children's Homes (Wales) Regulations 2002	S.I. 2002/327 (W. 40)
Residential Family Centres (Wales) Regulations 2003	S.I. 2003/781 (W. 92)
Care Homes (Amendment) (Wales) Regulations 2003	S.I. 2003/947 (W. 128) <sup>(1)</sup>
Care Homes (Wales) (Amendment No. 2) Regulations 2003	S.I. 2003/1004 (W. 144)
Domiciliary Care Agencies (Wales) Regulations 2004	S.I. 2004/219 (W. 23)
Care Home (Wales) (Amendment) Regulations 2004	S.I. 2004/1314 (W. 159)
Children's Homes (Wales) (Miscellaneous Amendments) Regulations 2007	S.I. 2007/311 (W. 28)
Care Homes (Wales) (Miscellaneous Amendments) Regulations 2011	S.I. 2011/1016 (W. 153)
Domiciliary Care Agencies (Wales) (Amendment) Regulations 2013	S.I. 2013/225 (W. 22)
Children's Homes (Wales) (Amendment) Regulations 2017	S.I. 2017/51 (W. 22)

<sup>(1)</sup> These Regulations were effectively spent on the revocation of S.I. 2002/324 (W. 37), regulation 19(6) by S.I. 2009/2541 (W. 205), regulation 11(1), (4)(f), with effect from 12 October 2009.