

# Statutory Instruments with Clear Reports

9 October 2017

## SL(5)129 – The Valuation Tribunal for Wales (Amendment) Regulations 2017

### Procedure: Negative

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Regulations 3 to 15 amend the Valuation Tribunal for Wales Regulations 2010. For example, regulations 4, 5 and 6 amend the operation and membership of the Governing Council of the Valuation Tribunal.

Regulations 17 and 18 amend the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2005. Regulations 17 and 18 enable appeals under those Regulations to be disposed of without a hearing.

**Parent Act:** Local Government Finance Act 1988

**Date Made:** 25 September 2017

**Date Laid:** 27 September 2017

**Coming into force date:** 1 December 2017

## SL(5)133 – The Regulated Services (Notifications) (Wales) Regulations 2017

### Procedure: Negative

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Section 39(1) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) makes provision about the circumstances under which the Welsh Ministers are required to notify each local authority when certain regulatory decisions are made in respect of the registration of a service provider.

Section 39(1)(g) of the Act empowers the Welsh Ministers to prescribe further circumstances under which the duty to notify local authorities will apply.

Section 39(2) of the Act empowers the Welsh Ministers to make regulations about any further information that is required to be contained in such notifications.



Regulation 3 sets out the information that is required to be contained in all notifications made under section 39(1). Regulation 4 sets out the additional information that is required to be contained in a notification about the cancellation of the registration of a service provider. Regulation 5 sets out the additional information that is required to be contained in a notification about the variation of the registration of a service provider by removing from the registration a regulated service or a place at, from or in relation to which the provider is providing a regulated service. Regulation 6 sets out the additional information that is required to be contained in a notification about the making of an order by a justice of the peace under section 23 of the Act (urgent cancellation or variation by removing a service or place). Regulation 7 sets out the additional information that is required to be contained in a notification about the cancellation of a designation of a responsible individual under section 22 of the Act. Regulation 8 sets out the additional information that is required to be contained in a notification about proceedings brought against a person in respect of an offence under Part 1 of the Act or regulations made under it. Regulation 9 sets out the additional information that is required to be contained in a notification about a penalty notice given under section 52 of the Act.

Regulation 10 sets out the further things prescribed for the purposes of section 39(1)(g) of the Act. Provision is made about appeals made by a service provider in respect of the things set out in section 39(1)(a) to (d) and the outcome of any appeal. Provision is also made about the outcome of proceedings for offences brought by the Welsh Ministers under Part 1 of the Act (or prescribed in regulations made under it).

**Parent Act:** Social Care (Wales) Act 2016

**Date Made:** 27 September 2017

**Date Laid:** 3 October 2017

**Coming into force date:** 2 April 2018

## SL(5)131 – The Regulated Services (Registration) (Wales) Regulations 2017

**Procedure:** Affirmative

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These Regulations are made under sections 6 and 11 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) and apply in relation to Wales.



Section 6(1) of the Act sets out the information that must be contained in an application for registration as a service provider of a regulated service. Section 6(1)(d) of the Act enables the Welsh Ministers to prescribe additional information that must be contained in an application for registration. Regulations 3 and 4 specify the additional information that is to be provided by an applicant for registration.

Section 6(2) of the Act provides that the application for registration must be in the prescribed form. Regulation 5 makes provision about the form of an application.

Using powers under section 11 of the Act, regulations 6 to 9 specify the information that is to be provided on an application to vary registration.

Regulations 10 and 11 set out the further information that is required in respect of an application to vary registration. Regulation 12 makes provision about the form of an application for variation.

Section 11(2) of the Act places a duty on the Welsh Ministers to prescribe in regulations a time limit within which an application for variation of a provider's registration must be made in circumstances where there is no responsible individual designated in respect of a place at, from or in relation to which the provider provides a regulated service. Regulation 13 prescribes that time limit as being 28 days.

**Parent Act:** Regulation and Inspection of Social Care (Wales) Act 2016

**Date Made:** Not stated

**Date Laid:** Not stated

**Coming into force date:** 1 February 2018

## SL(5)132 – The Regulated Services (Annual Returns) (Wales) Regulations 2017

### **Procedure: Affirmative**

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Section 10(1) of the Regulation and Inspection of [Social Care \(Wales\) Act 2016](#) (“the Act”) requires service providers to submit an annual return to the Welsh Ministers. Section 10(2) of the Act sets out the requirements for the contents of the annual return.



These **Regulations** are made under section 10(2)(a)(vii), (viii) and (ix), (3) and (4) of the Act, which enables Welsh Ministers to prescribe the information about training and workforce planning and other information which must be contained in the annual return, to prescribe the form of the annual return and to prescribe the time limit within which the annual return must be submitted to Welsh Ministers.

Regulation 3 requires the annual return to contain information about the arrangements for identifying, planning and meeting the training needs of staff.

Regulation 4 requires the annual return to contain information about the arrangements for recruitment and retention of staff.

Regulations 5 and 6 and the Schedule deal with other information about the service provided at each location, which must be contained in the annual return, including information about staffing and about service provision and the specific information required where the service involves the provision of accommodation.

Regulations 7 and 8 require the annual return to contain a declaration of truth by the service provider and the responsible individual. This will provide evidence of the person responsible for making a statement in the annual return in the event of a prosecution for an offence under section 47 of the Act (false statements).

**Parent Act:** Regulation and Inspection of Social Care (Wales) Act 2016

**Date Made:** Not stated

**Date Laid:** Not stated

**Coming into force date:** 1 November 2017

## SL(5)134 – The Education Workforce Council (Accreditation of Initial Teacher Training) (Additional Functions) (Wales) (Amendment) Order 2017

**Procedure:** Affirmative

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The Education Workforce Council (“the Council”) was continued in existence by section 2 of the **Education (Wales) Act 2014** (“the 2014 Act”). Section 4 of the 2014 Act sets



out the main functions of the Council. Section 5 of the 2014 Act allows the Welsh Ministers to make an Order conferring or imposing additional functions on the Council.

The Education Workforce Council (Accreditation of Initial Teacher Training) (Additional Functions) (Wales) Order 2017 (“the 2017 Order”) conferred additional functions on the Council relating to the accreditation and withdrawal of accreditation of courses or programmes of study of initial school teacher training (“Accreditation Function”).

This Order amends the 2017 Order so as to confer a further function on the Council which requires it to have regard to the Welsh Ministers’ forecast of demand for newly qualified teachers when exercising its Accreditation Function (article 2).

**Parent Act:** Education (Wales) Act 2014

**Date Made:** Not stated

**Date Laid:** Not stated

**Coming into force date:** 1 November 2017

## SL(5)135 – The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2017

### **Procedure: Affirmative**

These Regulations are made under section 198 of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”). They make consequential amendments to primary legislation which are in addition to amendments made in the Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016.

Regulation 2 of these Regulations amends the Children Act 1989 by disapplying section 25C(2) in relation to Wales.

Regulation 3 amends section 2(6)(c) of the Local Government and Housing Act 1989 by replacing the reference to “section 6 of the Local Authority Social Services Act 1970” with “section 144 of the Social Services and Well-being (Wales) Act 2014”.

The Children and Families Act 2014 introduced a “child arrangements order”, replacing residence and contact orders. Regulation 4 amends the 2014 Act by replacing references in sections 76 and 81 to “residence order” with “child arrangements order” to reflect this change.



**Parent Act:** Social Services and Well-being (Wales) Act 2014

**Date Made:** Not stated

**Date Laid:** Not stated

**Coming into force date:** 1 December 2017

## SL(5)136 – The Official Statistics (Wales) Order 2017

### **Procedure: Affirmative**

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This Order provides that the statistics produced, or to be produced, by the persons listed in the Schedule are official statistics for the purpose of Part 1 of the Statistics and Registration Service Act 2007 (“the Act”). Part 1 establishes the Statistics Board which is responsible for promoting and safeguarding good practice in gathering and assessing official statistics. “Official statistics” is defined in section 6(1) of the Act and includes, in subsection (1)(b)(iii), statistics as specified by order made by the Welsh Ministers.

Section 6(2) of the Act provides that an order made under subsection (1)(b) may specify a description of statistics produced or the person producing them.

Official statistics produced by persons listed in the Schedule do not include statistics produced by the Statistics Board, government departments, devolved administrations or any other person acting on behalf of the Crown.

**Parent Act:** Statistics and Registration Service Act 2007

**Date Made:** Not stated

**Date Laid:** Not stated

**Coming into force:** Coming into force in accordance with article 1(2)

