

SL(5)032 – The Social Care Wales (Constitution of Panels: Prescribed Persons) Regulations 2016

Background and Purpose

Section 174 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) requires Social Care Wales to make rules to establish registration appeals panels, fitness to practise panels and interim order panels. Section 174(5)(a) of the Act contains a list of persons who may not be members of a panel.

These Regulations are made under section 174(5)(b) of the Act, which gives Welsh Ministers the power to prescribe additional persons who may not be members of a panel.

Procedure

Negative

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument (Standing Order 21.3(ii): the instrument is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly).

These Regulations are made under sections of the 2016 Act that are not yet in force. The Welsh Government has confirmed that the relevant sections of the 2016 Act will be commenced before 3 April 2017 (i.e. the date these Regulations come into force). Although the relevant sections of the 2016 Act are not currently in force, the Welsh Ministers can make these Regulations by relying on section 13 of the Interpretation Act 1978 which allows certain powers to be exercised before the relevant sections of the 2016 Act are commenced.



Committee Consideration

The Committee considered the instrument at its meeting on 28 November 2016. The Committee reports to the Assembly in line with the merits reporting point above.

Legal Advisers

Constitutional and Legislative Affairs Committee

28 November 2016

