

SL(5)031 – The Social Care Wales (Proceedings before Panels) Regulations 2016

Background and Purpose

Section 174(1) of the [Regulation and Inspection of Social Care \(Wales\) Act 2016](#) (“the Act”) requires Social Care Wales (“SCW”) to make rules to establish registration appeals panels, fitness to practise panels and interim orders panels (“the panels”). Section 174(6) and (7) of the Act requires SCW to make rules about, for example, the appointment of persons as panel members and the declaration and registration of the private interests of such members. Section 174(8) of the Act gives SCW the power to make rules about the constitution and operation of the panels and provides that such rules are subject to any provision made by the Welsh Ministers under section 175 of the Act (which gives the Welsh Ministers power to make regulations for and in connection with proceedings brought under the Act before the panels).

Part 2 of these [Regulations](#) makes provision about proceedings before registration appeals panels.

Part 3 of these Regulations makes provision about proceedings before fitness to practise panels.

Part 4 of these Regulations makes provision about proceedings before interim orders panels.

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

