

SL(6)410 – The Regulated Services (Special School Residential Services) (Wales) Regulations 2023

Background and Purpose

These Regulations prescribe the provision of accommodation and care or nursing to a pupil of a special school as a “regulated service” for the purposes of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) and will require a person providing such a service to register under the Act.

Procedure

Draft affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

Regulation 2(3) provides for a definition of “hospital” and refers to three different terms that are defined in other legislation. Unlike other definitions in regulation 2(3), no reference is made to the sections of the other legislation that the three terms can be found in. For example, “health service hospital” is defined as having the meaning given in the National Health Service (Wales) Act 2006 but does not refer to the specific section which gives the meaning. This is not helpful as the reader is then required to review large pieces of legislation to find the meanings of the relevant terms. An explanation is therefore requested as to why a consistent approach is not taken to defining terms in regulation 2(3).

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

14 November 2023

