

*These notes refer to the Regulation and Inspection of Social Care (Wales) Act 2016 (c.2) which received Royal Assent on 18 January 2016*

# **REGULATION AND INSPECTION OF SOCIAL CARE (WALES) ACT 2016**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 1 – Regulation of Social Care Services**

#### ***Chapter 2 – Registration etc. of service providers***

#### ***Section 25 - Urgent variation of registration: other conditions***

78. In a case where a person's life or physical or mental health may be at risk or where there is a risk of abuse or neglect occurring the Welsh Ministers may, under this section, urgently vary a condition of registration or impose a new condition. This is an alternative to the cancellation procedure under section 23.
79. Subsection (5) allows Welsh Ministers to further vary or withdraw a condition varied or imposed under this section. For example, information might come to light after the urgent action has been taken (whether as a result of representations made or otherwise).
80. A service provider will have the right to appeal a decision to urgently vary or impose a condition as soon as the decision is made. Upon appealing to the First Tier Tribunal, the Tribunal will have the power to make any interim order it deems appropriate. This may include suspending the effect of the decision made by the Welsh Ministers. This may be appropriate, for example, in a case where the Tribunal does not have capacity to list the matter for an immediate hearing. A decision could be suspended pending the Tribunal having the capacity to have a hearing on the issue.