



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 1

REGULATION OF SOCIAL CARE SERVICES

CHAPTER 7

MARKET OVERSIGHT

59 Specifying criteria for application of market oversight regime

- (1) The Welsh Ministers must by regulations specify criteria for determining whether (subject to regulations under subsection (4)) section 61 applies to a service provider in respect of regulated services.
- (2) In specifying the criteria, the Welsh Ministers must have regard to the following in particular—
 - (a) the amount of care and support provided by a service provider,
 - (b) the geographical concentration of a service provider's business, and
 - (c) the extent to which a service provider specialises in the provision of particular types of regulated service.
- (3) The Welsh Ministers must—
 - (a) at such times as they think appropriate, review the criteria for the time being specified in the regulations, and
 - (b) publish information about how the matters mentioned in subsection (2), and any other matters to which they have regard in specifying the criteria, are to be measured.
- (4) The Welsh Ministers may by regulations provide that section 61 does not apply, or applies only to the extent specified, to a specified service provider or to a service

Status: This is the original version (as it was originally enacted).

provider of a specified description, regardless of whether that service provider or a service provider of that description would satisfy the criteria.

- (5) The circumstances in which regulations may be made under subsection (4) include those in which the Welsh Ministers are satisfied that certain service providers are already subject to a regulatory regime comparable to that provided for by sections 61 and 62; and regulations made in such circumstances may, for example, make provision requiring specified persons to co-operate or to share information of a specified description.
- (6) Before making regulations under this section the Welsh Ministers must consult any persons they think appropriate.
- (7) But the requirement to consult does not apply to regulations which—
 - (a) amend other regulations made under this section, and
 - (b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.