
WELSH STATUTORY INSTRUMENTS

2004 No. 219

The Domiciliary Care Agencies (Wales) Regulations 2004

PART IV

MISCELLANEOUS

Compliance with regulations

30. Where there is more than one registered person in respect of an agency, anything which is required under these Regulations to be done by the registered person shall, if done by one of the registered persons, not be required to be done by any of the other registered persons.

Offences

31.—(1) A contravention or failure to comply with regulations 4 to 7, 9 and 11 to 28 shall be an offence.

(2) The National Assembly may bring proceedings against a person who was once, but no longer is, a registered person in respect of a failure to comply with regulation 20.

Specification of appropriate offices

32. The National Assembly may specify an office controlled by it as the appropriate office in relation to agency premises situated in a particular area of Wales.

Amendment of the Registration of Social Care and Independent Health Care (Wales) Regulations 2002

33.—(1) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002(1) are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) —

(a) at the appropriate place, insert —

““domiciliary care agency” has the same meaning as in the Act but subject to the exceptions in regulation 3(1) of the Domiciliary Care Agencies (Wales) Regulations 2004”;

(b) in the definition of “appropriate office”, after paragraph (g) insert —

“(h) in relation to a domiciliary care agency —

(i) if an office has been specified under regulation 32 of the Domiciliary Care Agencies (Wales) Regulations 2004 for the area in which the agency premises are situated, that office;

(ii) in any other case, any office of the National Assembly.”;

- (c) in the definition of “statement of purpose” insert —
 - “(i) in relation to a domiciliary care agency, the written statement required to be compiled in relation to the agency in accordance with regulation 4 of the Domiciliary Care Agencies (Wales) Regulations 2004;”.
- (3) In regulation 9 —
 - (a) in paragraph (e), after “section 4(8)(a)” insert “or (9)(a)”;
 - (b) after paragraph (i) insert —
 - “(j) where the establishment or agency is being carried on by an individual in partnership with others, the names and addresses of all the partners.”.
- (4) In paragraph 1 of Schedule 1, insert —
 - “(g) if he or she intends to carry on a domiciliary care agency in partnership with others, the information specified in the preceding sub-paragraphs of this paragraph in relation to each partner of the firm and the name and address of the partnership.”.

Amendment of the Registration of Social Care and Independent Healthcare (Fees) (Wales) Regulations 2002

34.—(1) The Registration of Social Care and Independent Healthcare (Fees) (Wales) Regulations 2002(2) are amended in accordance with the following provisions of this regulation.

(2) In the paragraph headed “Arrangement of Regulations”, add the following at the end “15. Annual fee- domiciliary care agencies”.

- (3) In regulation 2(1)(a) —
 - (a) in the definition of “agency”, at the end add “, or a domiciliary care agency”;
 - (b) at the appropriate place, insert —
 - ““domiciliary care agency” has the same meaning as in the Act but subject to the exceptions in regulation 3(1) of the Domiciliary Care Agencies (Wales) Regulations 2004”;
 - (c) at the appropriate place, insert —
 - ““small domiciliary care agency” means a domiciliary care agency which arranges the provision of fewer than 200 hours of personal care per week or a domiciliary care agency which is solely an employment agency”.
- (4) In regulation 3, after paragraph (3C), insert —
 - “(3D) In the case of an application for registration in respect of a small domiciliary care agency —
 - (a) by a person mentioned in paragraph (1)(a), the registration fee shall be £550; and
 - (b) by a person mentioned in paragraph (1)(b), the registration fee shall be nil.”.
- (5) After regulation 14 (Annual fee — nurses agencies), there is to be inserted the following regulation —

“Annual fee- domiciliary care agencies

15.—(1) The annual fee in respect of a domiciliary care agency is —

- (a) in the case of a small domiciliary care agency, £375; and
- (b) otherwise, £750.

(2) The annual fee in respect of a domiciliary care agency is to be payable by the registered provider on the first and subsequent anniversaries of the date on which his or her certificate of registration is issued.”.

Transitional provisions

35.—(1) This regulation applies to persons who by virtue of the provisions of the Act and these Regulations are required to be registered under the Act but who immediately before 1st March 2004 were not required to be so registered.

(2) Notwithstanding any such provision, a person who immediately before 1st March 2004 was carrying on or managing an agency may continue to carry on or manage the agency without being registered under the Act —

- (a) during the period of 3 months beginning with that date; and
- (b) if within that period application is made for registration, until that application is finally disposed of or withdrawn.

(3) In this regulation “finally disposed of” means the date 28 days following the grant or refusal of registration and, if an appeal is made, the date when the appeal is finally determined or abandoned.