



# Care Standards Act 2000

## 2000 CHAPTER 14

### PART IV

#### SOCIAL CARE WORKERS

##### *Preliminary*

#### <sup>F1</sup>54 The Care Council for Wales

.....

#### **Textual Amendments**

- F1** S. 54 repealed (11.7.2016 for specified purposes, 3.4.2017 in so far as not already in force) by Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2), ss. 67(1), 188(1); S.I. 2016/713, art. 2; S.I. 2017/309, art. 2(b) (with arts. 3, 4, Sch.)

#### **55 Interpretation.**

- (1) This section has effect for the purposes of this Part.
- (2) “Social care worker” means a person (other than a person excepted by regulations) who—
  - (a) engages in relevant social work (referred to in this Part as a “social worker”);
  - (b) is employed at a children’s home, care home or residential family centre or for the purposes of a domiciliary care agency, a fostering agency [<sup>F2</sup>, a voluntary adoption agency or an adoption support agency];
  - (c) manages [<sup>F3</sup>a home, centre or agency of a kind] mentioned in paragraph (b); or
  - (d) is supplied by a domiciliary care agency to provide personal care in their own homes for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance.

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- (3) Regulations may provide that persons of any of the following descriptions shall be treated as social care workers—
- (a) a person engaged in work for the purposes of a local authority’s social services functions, or in the provision of services similar to services which may or must be provided by local authorities in the exercise of those functions;
  - (b) a person engaged in the provision of personal care for any person;
  - (c) a person who manages, or is employed in, an undertaking (other than an establishment or agency) which consists of or includes supplying, or providing services for the purpose of supplying, persons to provide personal care;
  - (d) a person employed in connection with the discharge of functions of the appropriate Minister under section 80 of the 1989 Act (inspection of children’s homes etc.);
  - (e) staff of <sup>F4</sup>. . . <sup>F5</sup>, the Office for Standards in Education, Children's Services and Skills] or the <sup>F6</sup>Welsh Assembly Government] who—
    - (i) inspect premises under section 87 of the 1989 Act (welfare of children accommodated in independent schools and colleges) or <sup>F7</sup>section 31 of this Act <sup>F8</sup>, section 88] or 98 of the Health and Social Care (Community Health and Standards) Act 2003]<sup>F9</sup>or section 139 of the Education and Inspections Act 2006]; or
    - (ii) are responsible for persons who do so;
 

and staff of the <sup>F6</sup>Welsh Assembly Government] who inspect premises under <sup>F10</sup>section 40 of the Children and Families (Wales) Measure 2010] or are responsible for persons who do so;
  - <sup>F11</sup>(ea) staff of the Care Quality Commission who inspect premises under Part 1 of the Health and Social Care Act 2008 used for or in connection with the provision of social care (within the meaning of that Part) or who are responsible for persons who do so;]
  - (f) a person employed in a day centre;
  - (g) a person participating in a course approved by <sup>F12</sup>the Welsh Council] under section 63 <sup>F13</sup>, or by the Health and Care Professions Council under article 15 of the Health and Social Work Professions Order 2001,] for persons wishing to become social workers.
- (4) “Relevant social work” means social work which is required in connection with any health, education or social services provided by any person.
- <sup>F14</sup>(4A) “Social care manager” means a person who falls within the description in subsection (2)(c).]
- (5) “Day centre” means a place where nursing or personal care (but not accommodation) is provided wholly or mainly for persons mentioned in section 3(2).
- <sup>F15</sup>(6) “The General Systems Regulations” means the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059).]
- <sup>F16</sup>(7) “Relevant European State” means an EEA State or Switzerland.
- (8) “Exempt person” means—
- (a) a national of a relevant European State other than the United Kingdom,

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- (b) a national of the United Kingdom who is seeking to engage in relevant social work [<sup>F17</sup>, or to engage in work as a social care manager in Wales,] by virtue of an enforceable [<sup>F18</sup>EU] right, or
- (c) a person who is not a national of a relevant European State but who is, by virtue of an enforceable [<sup>F18</sup>EU] right, entitled to be treated, as regards the right to engage in relevant social work [<sup>F19</sup>, or the right to engage in work as a social care manager in Wales,] , no less favourably than a national of a relevant European State;

and in this subsection, “national”, in relation to a relevant European State, means the same as in [<sup>F18</sup>EU] Treaties, but does not include a person who by virtue of Article 2 of Protocol No. 3 (Channel Islands and the Isle of Man) to the Treaty of Accession is not to benefit from [<sup>F18</sup>EU] provisions relating to the free movement of persons and services.]

#### Textual Amendments

- F2** Words in s. 55(2)(b) substituted (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), ss. 139, 148, [Sch. 3 para. 115](#) (with [Sch. 4 paras. 6-8](#)); S.I. 2005/2213, {art. 3}
- F3** Words in s. 55(2)(c) substituted (21.7.2008 for certain purposes and 1.4.2009 otherwise) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170(1)(b)(3), [Sch. 5 para. 29\(2\)](#); S.I. 2009/462, [art. 2](#), Sch. 1 para. 35
- F4** Words in s. 55(2)(e) repealed (21.7.2008 for certain purposes and 1.4.2009 otherwise) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 166, 170(1)(b)(3), [Sch. 5 para. 29\(3\)\(a\)](#), [Sch. 15 Pt. 1](#); S.I. 2009/462, [art. 2](#), Sch. 1 paras. 35, 36
- F5** Words in s. 55(3)(e) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, [Sch. 14 para. 52\(a\)](#); S.I. 2007/935, [art. 5](#)
- F6** Words in s. 55(3)(e) substituted (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), ss. 72, 75(3), Sch. 1 para. 14(a); S.I. 2010/2582, [art. 2](#), Sch. 1 (with [Sch. 2](#))
- F7** Words in s. 55(3)(e) substituted (20.11.2003 for certain purposes and 1.4.2004 for E. otherwise) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), ss. 147, 199, [Sch. 9 para. 28\(b\)](#); S.I. 2004/759, [art. 4\(2\)](#)
- F8** Words in s. 55(3)(e) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, [Sch. 14 para. 52\(b\)](#); S.I. 2007/935, [art. 5](#)
- F9** Words in s. 55(3)(e) inserted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, [Sch. 14 para. 52\(c\)](#); S.I. 2007/935, [art. 5](#)
- F10** Words in s. 55(3)(e) substituted (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), ss. 72, 75, Sch. 1 para. 14(b); S.I. 2010/2582, [art. 2](#), Sch. 1 (with [Sch. 2](#))
- F11** S. 55(3)(ea) inserted (21.7.2008 for certain purposes and 1.4.2009 otherwise) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170(1)(b)(3), [Sch. 5 para. 29\(3\)\(b\)](#); S.I. 2009/462, [art. 2](#), Sch. 1 para. 35
- F12** Words in s. 55(3)(g) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 15 para. 2\(a\)](#); S.I. 2012/1319, [art. 2\(4\)](#)
- F13** Words in s. 55(3)(g) inserted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 15 para. 2\(b\)](#); S.I. 2012/1319, [art. 2\(4\)](#)
- F14** S. 55(4A) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, [100\(2\)](#) (with reg. 155)
- F15** S. 55(6) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, [100\(3\)](#) (with reg. 155)
- F16** S. 55(6)-(8) added (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), [reg. 231](#)
- F17** Words in s. 55(8)(b) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, [100\(4\)\(a\)](#) (with reg. 155)

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- F18** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with art. 3(2)(3)4(2)6(4)(5))
- F19** Words in s. 55(8)(c) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **100(4)(b)** (with reg. 155)

#### Commencement Information

- I1** S. 55 partly in force; s. 55 not in force at Royal Assent see s. 122; s. 55 in force for W. at 1.4.2001 by [S.I. 2000/2992](#), art. 2(2), Sch. 2; s. 55 in force for E. for certain purposes at 7.5.2001 by [S.I. 2001/1536](#), arts. 1(3), 2(2)(b); s. 55 in force for E. for certain purposes at 25.3.2002 by [S.I. 2002/1245](#), arts. 1(3), **2(1)(d)**; s. 55(1)(2)(a)(4) in force for E. for certain purposes at 7.3.2003 by [S.I. 2003/933](#), art. 2; s. 55(3)(g) in force for E. for certain purposes at 1.3.2004 by [S.I. 2004/484](#), art. 2

### Registration

#### 56 The register.

- (1) [<sup>F20</sup>The Welsh Council] shall maintain a register of—
- social workers; <sup>F21</sup> . . .
  - social care workers of any other description specified by the appropriate Minister by order [<sup>F22</sup>, <sup>F23</sup> ...
  - visiting social workers from relevant European States [<sup>F24</sup>; and]
  - <sup>F25</sup>visiting social care managers from relevant European States.]

- [<sup>F26</sup>(2) There shall be a separate part of the register—
- for social workers;
  - for each description of social care workers specified pursuant to subsection (1) (b); <sup>F27</sup> ...
  - for visiting social workers from relevant European States [<sup>F28</sup>; and]
  - <sup>F29</sup>for visiting social care managers from relevant European States.]

- (2A) For the purposes of this Part—
- the part mentioned in subsection (2)(a) is the “principal part” of the register;
  - a part mentioned in subsection (2)(b) is an “added part” of the register;
  - the part mentioned in subsection (2)(c) is the “visiting European [<sup>F30</sup>social worker] part” of the register.]
  - <sup>F31</sup>the part mentioned in subsection (2)(d) is the “visiting European social care manager part” of the register.]

- (3) The appropriate Minister may by order provide for a specified part of the register to be closed, as from a date specified by the order, so that on or after that date no further persons can become registered in that part.
- (4) The appropriate Minister shall consult [<sup>F32</sup>the Welsh Council] before making, varying or revoking any order under this section.

#### Textual Amendments

- F20** Words in s. 56(1) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 15 para. 3(a)**; [S.I. 2012/1319](#), art. 2(4)
- F21** Word at the end of s. 56(1)(a) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), **reg. 232(a)**

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- F22** S. 56(1)(c) and preceding word inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), **reg. 232(a)**
- F23** Word in s. 56(1)(b) omitted (18.11.2016) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **101(2)(a)** (with reg. 155)
- F24** Word in s. 56(1)(c) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **101(2)(b)** (with reg. 155)
- F25** S. 56(1)(d) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **101(2)(c)** (with reg. 155)
- F26** s. 56(2)(2A) substituted (3.12.2007) for s. 56(2) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), **reg. 232(b)**
- F27** Word in s. 56(2)(b) omitted (18.11.2016) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **101(3)(a)** (with reg. 155)
- F28** Word in s. 56(2)(c) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **101(3)(b)** (with reg. 155)
- F29** S. 56(2)(d) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **101(3)(c)** (with reg. 155)
- F30** Words in s. 56(2A)(c) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **101(4)(a)** (with reg. 155)
- F31** S. 56(2A)(d) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **101(4)(b)** (with reg. 155)
- F32** Words in s. 56(4) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 15 para. 3(b)**; [S.I. 2012/1319](#), art. 2(4)

#### Commencement Information

- I2** S. 56 partly in force; s. 56 not in force at Royal Assent see s. 122; s. 56 in force for W. for certain purposes at 30.4.2002 by [S.I. 2002/1175](#), arts. 1(3), **2(1)**; s. 56 (1)(a) in force for E. for certain purposes at 1.4.2003 by [S.I. 2003/933](#), **art. 2(2)**; s. 56 in force for W. so far as not already in force at 1.6.2003 by [S.I. 2003/501](#), **art. 2(4)**; s. 56 in force for E. for certain purposes at 1.3.2004 by [S.I. 2004/484](#), **art. 2**

## 57 Applications for registration.

- (1) An application for registration [<sup>F33</sup>in the principal part, or an added part, of the register maintained by [<sup>F34</sup>the Welsh Council]] shall be made to the Council in accordance with rules made by it.
- (2) An application under subsection (1) shall specify each part of the register in which registration is sought and such other matters as may be required by the rules.

#### Textual Amendments

- F33** Words in s. 57(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), **reg. 233**
- F34** Words in s. 57(1) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 15 para. 4**; [S.I. 2012/1319](#), art. 2(4)

#### Commencement Information

- I3** S. 57 partly in force; s. 57 not in force at Royal Assent see s. 122; s. 57 in force for W. for certain purposes at 30.4.2002 by [S.I. 2002/1175](#), arts. 1(3), **2(1)**; s. 57 in force for E. for certain purposes at 7.3.2003 by [S.I. 2003/933](#), **art. 2(1)**; s. 57 otherwise in force for W. at 1.4.2003 by [S.I. 2003/501](#), **art. 2(2)**

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## 58 Grant or refusal of registration.

- (1) <sup>F35</sup>In the case of an application under section 57(1), if <sup>F36</sup>the Welsh Council]] is satisfied that the applicant—
- (a) is of good character;
  - (b) is physically and mentally fit to perform the whole or part of the work of persons registered in any part of the register to which his application relates; and
  - (c) satisfies the following conditions,
- it shall grant the application, either unconditionally or subject to such conditions as it thinks fit; and in any other case it shall refuse it.
- (2) The first condition is that—
- (a) in the case of an applicant for registration as a social worker—
    - (i) he has successfully completed a course approved by the Council under section 63 for persons wishing to become social workers;
    - (ii) he satisfies the requirements of section 64; or
    - (iii) he satisfies any requirements as to training which the Council may by rules impose in relation to social workers;
  - <sup>F37</sup>(aa) in the case of an applicant for registration as a social care manager—
    - (i) he satisfies the requirements of section 64A; or
    - (ii) he satisfies any requirements as to training which the Council may impose in relation to social care managers;]
  - (b) in the case of an applicant for registration as a social care worker of any other description, he satisfies any requirements as to training which the Council may by rules impose in relation to social care workers of that description.
- (3) The second condition is that the applicant satisfies any requirements as to conduct and competence which the Council may by rules impose.
- <sup>F38</sup>(4) For the purposes of subsection (1)(a), in considering whether a person is of good character, the Council may have regard to whether he is included in a barred list (within the meaning of the Safeguarding Vulnerable Groups Act 2006).]

### Textual Amendments

- F35** Words in s. 58(1) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), **reg. 234**
- F36** Words in s. 58(1) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 15 para. 5**; S.I. 2012/1319, art. 2(4)
- F37** S. 58(2)(aa) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **102(2)** (with reg. 155)
- F38** S. 58(4) inserted (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), ss. 63, 65, **Sch. 9 para. 16** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, **art. 2**, Sch. (with art. 6 as amended by S.I. 2010/1101)

### Commencement Information

- I4** S. 58 partly in force; s. 58 not in force at Royal Assent see s. 122; s. 58 in force for W. for certain purposes at 30.4.2002 by [S.I. 2002/1175](#), arts. 1(3), **2(1)**; s. 58 in force for E. for certain purposes at 1.4.2003 by [S.I. 2003/933](#), **art. 2(2)**; s. 58 otherwise in force for W. at 1.6.2003 by [S.I. 2003/501](#), **art. 2(4)**

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## **[<sup>F39</sup>58A Visiting social workers from relevant European States**

- (1) This section applies to an exempt person (“V”) who is lawfully established as a social worker in a relevant European State other than the United Kingdom.
- (2) Subsection (3) applies if V has the benefit of regulation [<sup>F40</sup>12] of the General Systems Regulations in connection with the provision by V of services as a social worker in the United Kingdom on a temporary and occasional basis (V having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by V of services as a social worker).
- (3) V is entitled to be registered in the visiting [<sup>F41</sup>European social worker part] of the register maintained by [<sup>F42</sup>the Welsh Council] ; and the Council shall give effect to the entitlement.
- (4) If V is entitled under subsection (3) to be registered in the visiting [<sup>F41</sup>European social worker part] of a register but is not registered in that part, V shall be treated as being registered in that part.
- (5) V's entitlement under subsection (3) ceases if V ceases, whether as a result of the operation of regulation [<sup>F43</sup>24] of the General Systems Regulations or otherwise, to have the benefit of regulation [<sup>F44</sup>12] of those Regulations in connection with the provision by V of services as a social worker in the United Kingdom on a temporary and occasional basis.
- (6) If—
  - (a) V's entitlement under subsection (3) ceases by reason of the operation of subsection (5), and
  - (b) V is registered in the visiting [<sup>F41</sup>European social worker part] of the register maintained by [<sup>F45</sup>the Welsh Council, the ]  
Council may remove V from that part.
- (7) Subsections (1) to (6) are not to be taken to prejudice the application, in relation to persons registered in the visiting [<sup>F41</sup>European social worker part] of the register maintained by [<sup>F46</sup>the Welsh Council] , of rules under section 59.]

### **Textual Amendments**

- F39** S. 58A inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), **reg. 235**
- F40** Word in s. 58A(2) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **103(3)** (with reg. 155)
- F41** Words in s. 58A substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **103(2)** (with reg. 155)
- F42** Words in s. 58A(3) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 15 para. 6(a)**; S.I. 2012/1319, art. 2(4)
- F43** Word in s. 58A(5) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **103(4)(a)** (with reg. 155)
- F44** Word in s. 58A(5) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **103(4)(b)** (with reg. 155)
- F45** Words in s. 58A(6) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 15 para. 6(b)**; S.I. 2012/1319, art. 2(4)
- F46** Words in s. 58A(7) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 15 para. 6(a)**; S.I. 2012/1319, art. 2(4)

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### [<sup>F47</sup>58B. Visiting social care managers from relevant European States

- (1) This section applies to an exempt person (“X”) who is lawfully established as a social care manager in a relevant European State other than the United Kingdom.
- (2) Subsection (3) applies if X has the benefit of regulation 12 of the General Systems Regulations in connection with the provision by X of services as a social care manager in the United Kingdom on a temporary and occasional basis (X having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by X of services as a social care manager).
- (3) X is entitled to be registered in the visiting European social care manager part of the register, and the Welsh Council must give effect to the entitlement.
- (4) If X is entitled under subsection (3) to be registered in the visiting European social care manager part of the register but is not registered in that part, X is to be treated as having been registered in that part.
- (5) X’s entitlement under subsection (3) ends if X ceases, whether as a result of the operation of regulation 24 of the General Systems Regulations or otherwise, to have the benefit of regulation 12 of those Regulations in connection with the provision by X of services as a social care manager in the United Kingdom on a temporary and occasional basis.
- (6) If—
  - (a) X’s entitlement under subsection (3) ceases by reason of the operation of subsection (5); and
  - (b) X is registered in the visiting European social care manager part of the register, the Welsh Council may remove X from that part.
- (7) Subsections (1) to (6) are not to be taken to prejudice the application, in relation to persons registered in the visiting European social care manager part of the register, of rules under section 59.]

#### Textual Amendments

**F47** S. 58B inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **104** (with reg. 155)

### 59 Removal etc. from register.

- (1) [<sup>F48</sup>The Welsh Council] shall by rules determine circumstances in which, and the means by which—
  - (a) a person may be removed from a part of the register, whether or not for a specified period;
  - (b) a person who has been removed from a part of the register may be restored to that part;
  - (c) a person’s registration in a part of the register may be suspended for a specified period;
  - (d) the suspension of a person’s registration in a part of the register may be terminated;
  - (e) an entry in a part of the register may be removed, altered or restored.



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- (2) The rules shall make provision as to the procedure to be followed, and the rules of evidence to be observed, in proceedings brought for the purposes of the rules, whether before the Council or any committee of the Council.
- (3) The rules shall provide for such proceedings to be in public except in such cases (if any) as the rules may specify.
- (4) Where a person's registration in a part of the register is suspended under subsection (1) (c), he shall be treated as not being registered in that part notwithstanding that his name still appears in it.

#### Textual Amendments

**F48** Words in s. 59(1) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 7; S.I. 2012/1319, art. 2\(4\)](#)

#### Commencement Information

**I5** S. 59 partly in force; s. 59 not in force at Royal Assent see s. 122; s. 59 in force for E. for certain purposes at 7.5.2001 by [S.I. 2001/1536, arts. 1\(3\), 2\(2\)\(a\)\(iii\)](#); s. 59 in force for W. for certain purposes at 30.4.2002 by [S.I. 2002/1175, arts. 1\(3\), 2\(1\)](#); s. 59 in force for E. for certain purposes at 7.3.2003 by [S.I. 2003/933, art. 2\(2\)](#); s. 59 otherwise in force for W. at 1.4.2003 by [S.I. 2003/501, art. 2\(4\)](#)

## 60 Rules about registration.

[<sup>F49</sup>The Welsh Council] may by rules make provision about the registration of persons under this Part and, in particular—

- (a) as to the keeping of the register;
- (b) as to the documentary and other evidence to be produced by those applying [<sup>F50</sup>under section 57(1) for registration or applying] for additional qualifications to be recorded, or for any entry in the register to be altered or restored;
- (c) for a person's registration to remain effective without limitation of time (subject to removal from the register [<sup>F51</sup>under section 58A(6) [<sup>F52</sup>section 58B(6)] or] in accordance with rules made by virtue of section 59) or to lapse after a specified period or in specified cases, or to be subject to renewal as and when provided by the rules.

#### Textual Amendments

**F49** Words in s. 60 substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 8; S.I. 2012/1319, art. 2\(4\)](#)

**F50** Words in s. 60(b) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\), reg. 236\(a\)](#)

**F51** Words in s. 60(c) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\), reg. 236\(b\)](#)

**F52** Words in s. 60(c) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\), regs. 1, 105\(2\) \(with reg. 155\)](#)

#### Commencement Information

**I6** S. 60 partly in force; s. 60 not in force at Royal Assent see s. 122; s. 60 in force for E. for certain purposes at 7.5.2001 by [S.I. 2001/1536, arts. 1\(3\), 2\(2\)\(a\)\(iii\)](#); s. 60 in force for W. for certain purposes

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at 30.4.2002 by S.I. 2002/1175, arts. 1(3), 2(1); s. 60(b) in force for W. for certain purposes at 1.4.2003 and otherwise in force for W. at 1.6.2003 by S.I. 2003/501, art. 2(2)(4); s. 60 in force for E. for certain purposes at 1.4.2003 by S.I. 2003/933, art. 2(2)

## 61 Use of title “social worker” etc.

- (1) If a person [<sup>F53</sup>in Wales] who is not registered as a social worker in any relevant register [<sup>F54</sup>, and is not registered as a visiting social worker from a relevant European State in any relevant register,] with intent to deceive another—
- (a) takes or uses the title of social worker;
  - (b) takes or uses any title or description implying that he is [<sup>F55</sup>registered in either of those ways], or in any way holds himself out as so registered,
- he is guilty of an offence.
- (2) For the purposes of subsection (1), a register is a relevant register if it is—
- (a) maintained by [<sup>F56</sup>the Welsh Council] ; or
  - (b) a prescribed register maintained under a provision of the law of [<sup>F57</sup>England and Wales so far as applying in relation to England,] Scotland or Northern Ireland which appears to the appropriate Minister to correspond to the provisions of this Part.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### Textual Amendments

- F53** Words in s. 61(1) inserted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 9\(a\)](#); S.I. 2012/1319, art. 2(4)
- F54** Words in s. 61(1) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\), reg. 237\(a\)](#)
- F55** Words in s. 61(1)(b) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\), reg. 237\(b\)](#)
- F56** Words in s. 61(2)(a) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 9\(b\)](#); S.I. 2012/1319, art. 2(4)
- F57** Words in s. 61(2)(b) inserted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 9\(c\)](#); S.I. 2012/1319, art. 2(4)

### Commencement Information

- I7** S. 61 wholly in force at 1.4.2005; s. 61 not in force at Royal Assent see s. 122; s. 61 in force for W. for certain purposes at 30.4.2002 by S.I. 2002/1175, arts. 1(3), 2(1); s. 61(2)(b) in force for certain purposes at 1.3.2005 and s. 61 in force so far as not already in force at 1.4.2005 by S.I. 2005/375, art. 2

## Codes of practice

## 62 Codes of practice.

- (1) [<sup>F58</sup>The Welsh Council] shall prepare and from time to time publish codes of practice laying down—
- (a) standards of conduct and practice expected of social care workers; and

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- (b) standards of conduct and practice in relation to social care workers, being standards expected of persons employing or seeking to employ them.
- [<sup>F59</sup>(1A) The codes may also lay down standards of conduct and practice expected of social workers when carrying out the functions of an approved mental health professional (as defined in section 114 of the Mental Health Act 1983).]
- (2) The Council shall—
- (a) keep the codes under review; and
  - (b) vary their provisions whenever it considers it appropriate to do so.
- (3) Before issuing or varying a code, [<sup>F60</sup>the Council] shall consult any persons it considers appropriate to consult.
- (4) A code published by [<sup>F60</sup>the Council] shall be taken into account—
- (a) by the Council in making a decision under this Part; and
  - (b) in any proceedings on an appeal against such a decision.
- (5) Local authorities [<sup>F61</sup>in Wales] making any decision about the conduct of any social care workers employed by them shall, if directed to do so by the appropriate Minister, take into account any code published by the Council.
- (6) Any person who asks [<sup>F62</sup>the Council] for a copy of a code shall be entitled to have one.

#### Textual Amendments

- F58** Words in s. 62(1) substituted (1.8.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 10(a)**; S.I. 2012/1319, art. 2(4)
- F59** S. 62(1A) inserted (1.10.2007) by Mental Health Act 2007 (c. 12), **ss. 20, 56**; S.I. 2007/2798, **art. 2**
- F60** Words in s. 62(3)(4) substituted (1.8.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 10(b)**; S.I. 2012/1319, art. 2(4)
- F61** Words in s. 62(5) inserted (1.8.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 10(c)**; S.I. 2012/1319, art. 2(4)
- F62** Words in s. 62(6) substituted (1.8.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 10(b)**; S.I. 2012/1319, art. 2(4)

#### Commencement Information

- I8** S. 62 partly in force; s. 62 not in force at Royal Assent see s. 122; s. 62 in force for E. for certain purposes at 7.5.2001 by S.I. 2001/1536, arts. 1(3), 2(2)(a)(iii); s. 62 in force for W. for certain purposes at 30.4.2002 by S.I. 2002/1175, arts. 1(3), **2(1)**; s. 62 in force for E. for certain purposes at 25.3.2002 by S.I. 2002/1245, arts. 1(3), **2(1)(b)(i)**; s. 62 otherwise in force for W. at 1.6.2003 by S.I. 2003/501, **art. 2(4)**

### Training

#### 63 Approval of courses etc.

- (1) [<sup>F63</sup>The Welsh Council] may, in accordance with rules made by it, approve courses in relevant social work for persons who are or wish to become social workers.
- (2) An approval given under this section may be either unconditional or subject to such conditions as the Council thinks fit.

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- (3) Rules made by virtue of this section may in particular make provision—
- (a) about the content of, and methods of completing, courses;
  - (b) as to the provision to the Council of information about courses;
  - (c) as to the persons who may participate in courses, or in parts of courses specified in the rules;
  - (d) as to the numbers of persons who may participate in courses;
  - (e) for the award by the Council of certificates of the successful completion of courses;
  - (f) about the lapse and renewal of approvals; and
  - (g) about the withdrawal of approvals.
- (4) [<sup>F64</sup>The Council] may—
- (a) conduct, or make arrangements for the conduct of, examinations in connection with such courses as are mentioned in this section or section 67; and
  - (b) carry out, or assist other persons in carrying out, research into matters relevant to training for relevant social work.
- (5) A course for persons who wish to become social workers shall not be approved under this section unless the Council considers that it is such as to enable persons completing it to attain the required standard of proficiency in relevant social work.
- (6) In subsection (5) “the required standard of proficiency in relevant social work” means the standard described in rules made by the Council.
- (7) The Council shall from time to time publish a list of the courses which are approved under this section.

#### Textual Amendments

- F63** Words in s. 63(1) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 11\(a\)](#); S.I. 2012/1319, art. 2(4)
- F64** Words in s. 63(4) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 11\(b\)](#); S.I. 2012/1319, art. 2(4)

#### Modifications etc. (not altering text)

- C1** S. 63(2)-(4)(a)(7) applied (1.10.2007) by [1983 c. 20, s. 114A\(2\)](#) (as inserted by [Mental Health Act 2007 \(c. 12\), ss. 19, 56; S.I. 2007/2798, art. 2](#))

#### Commencement Information

- I9** S. 63 partly in force; s. 63 not in force at Royal Assent see s. 122; s. 63 in force for E. for certain purposes at 7.5.2001 by [S.I. 2001/1536, arts. 1\(3\), 2\(2\)\(a\)\(iii\)](#); s. 63 in force for W. at 31.7.2001 by [S.I. 2001/2538, art. 2\(1\)\(3\)\(a\)](#); s. 63 in force for E. for certain purposes at 25.3.2002 by [S.I. 2002/1245, arts. 1\(3\), 2\(1\)\(b\)\(ii\)](#)

#### 64 [<sup>F65</sup>Qualifications gained outside the Welsh Council's area<sup>F66</sup> – social workers]]

- [<sup>F67</sup>(A1) An applicant for registration in the principal part of the register maintained by [<sup>F68</sup>the Welsh Council] satisfies the requirements of this section if the applicant is an exempt person who by virtue of Part 3 of the General Systems Regulations is permitted to pursue the profession of social worker in the United Kingdom (having, in particular,

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successfully completed any adaptation period, or passed any aptitude test, that the applicant may be required to undertake pursuant to that Part of those Regulations.)]

- <sup>F69</sup>(1) . . . . .
- (2) An applicant for registration [<sup>F70</sup> in the principal part of] the register maintained by the Welsh Council satisfies the requirements of this section if—
- (a) <sup>F71</sup> . . . . .
- (b) he has, elsewhere than in Wales, undergone training in relevant social work and either—
- (i) that training is recognised by the Council as being to a standard sufficient for such registration; or
- (ii) it is not so recognised, but the applicant has undergone in Wales or elsewhere such additional training as the Council may require.
- (3) <sup>F72</sup> . . . . .
- (4) <sup>F72</sup> . . . . .
- (5) <sup>F72</sup> . . . . .

#### Textual Amendments

- F65** S. 64 title substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 12\(c\)](#); [S.I. 2012/1319, art. 2\(4\)](#)
- F66** Words in s. 64 heading inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\), regs. 1, 106\(2\) \(with reg. 155\)](#)
- F67** S. 64(A1) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\), reg. 238\(a\)](#)
- F68** Words in s. 64(A1) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 12\(a\)](#); [S.I. 2012/1319, art. 2\(4\)](#)
- F69** S. 64(1) omitted (1.8.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 12\(b\)](#); [S.I. 2012/1319, art. 2\(4\)](#)
- F70** Words in s. 64(1)(2) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\), reg. 238\(b\)\(i\)](#)
- F71** S. 64(1)(a)(2)(a) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\), reg. 238\(b\)\(ii\)](#)
- F72** S. 64(3)-(5) omitted (3.12.2007) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\), reg. 238\(c\)](#)

#### Commencement Information

- I10** S. 64 partly in force; s. 64 not in force at Royal Assent see s. 122; s. 64(2)-(4) in force for W. for a certain purpose at 30.4.2002 by [S.I. 2002/1175, arts. 1\(3\), 2\(1\)](#); s. 64(1)(b) in force for E. for certain purposes at 1.4.2003 by [S.I. 2003/933, art. 2\(2\)](#); s. 64(2)-(5) otherwise in force for W. at 1.6.2003 by [S.I. 2003/501, art. 2\(4\)](#)

#### [<sup>F73</sup>64A. Qualifications gained outside the Welsh Council's area – social care managers

An applicant for registration as a social care manager in an added part of the register satisfies the requirements of this section if the applicant is an exempt person who by virtue of Part 3 of the General Systems Regulations is permitted to pursue the profession of social care manager in the United Kingdom (having, in particular,

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successfully completed any adaptation period, or passed any aptitude test, that the applicant may be required to undertake pursuant to that Part of those Regulations).]

#### Textual Amendments

**F73** S. 64A inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **107** (with reg. 155)

### 65 Post registration training.

- (1) [<sup>F74</sup>The Welsh Council] may make rules requiring persons registered under this Part in any part of the register to undertake further training.
- (2) The rules may, in particular, make provision with respect to persons who fail to comply with any requirements of rules made by the Council, including provision for their registration to cease to have effect.
- [<sup>F75</sup>(2A) Subsections (1) and (2), so far as relating to a person (“P”) who is registered as a social worker only in the visiting European [<sup>F76</sup>social worker part of the register, or as a social care manager only in the visiting European social care manager part of the register,] have effect subject to <sup>F77</sup>... subsections (2B) and (2C).
- (2B) Rules made under subsection (1)—
- (a) may not impose requirements on P if P is required to undertake, in P's home State, further training in relation to the profession of social worker [<sup>F78</sup>or social care manager] ; and
  - (b) where they impose requirements on P—
    - (i) shall take account of the fact that P is a fully qualified social worker [<sup>F78</sup>or social care manager] in P's home State, and
    - (ii) shall specify that training which P is required to undertake by the requirements may be undertaken outside the United Kingdom.
- (2C) Where rules make provision such as is mentioned in subsection (2), the rules must secure that any sanction imposed in relation to P by or under that provision is appropriate and proportionate in view of P's continued lawful establishment as a social worker [<sup>F79</sup>or social care manager] in P's home State.
- (2D) In this section “home State”, in relation to P, means the relevant European State in which P is lawfully established as a social worker [<sup>F80</sup>or social care manager].]
- (3) Before making, or varying, any rules by virtue of this section the Council shall take such steps as are reasonably practicable to consult the persons who are registered in the relevant part of the register and such other persons as the Council considers appropriate.

#### Textual Amendments

**F74** Words in s. 65(1) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 15 para. 13**; S.I. 2012/1319, art. 2(4)

**F75** S. 65(2A)-(2D) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), **reg. 239**

**F76** Words in s. 65(2A) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **108(2)(a)** (with reg. 155)

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- F77** Word in s. 65(2A) omitted (18.11.2016) by virtue of [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **108(2)(b)** (with reg. 155)
- F78** Words in s. 65(2B) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **108(3)** (with reg. 155)
- F79** Words in s. 65(2C) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **108(4)** (with reg. 155)
- F80** Words in s. 65(2D) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, **108(5)** (with reg. 155)

#### Commencement Information

- I11** S. 65 partly in force; s. 65 not in force at Royal Assent see s. 122; s. 65 in force for E. for certain purposes at 7.5.2001 by [S.I. 2001/1536](#), arts. 1(3), 2(2)(a)(iii); s. 65 in force for W. for a certain purpose at 30.4.2002 by [S.I. 2002/1175](#), arts. 1(3), **2(1)**; s. 65 in force for E. for certain purposes at 1.4.2003 by [S.I. 2003/933](#), **art. 2(2)**; s. 65 otherwise in force for W. at 1.6.2003 by [S.I. 2003/501](#), **art. 2(4)**

## 66 Visitors for certain social work courses.

- (1) [<sup>F81</sup>The Welsh Council] may by rules make provision for the visiting of places at which or institutions by which or under whose direction—
- any relevant course (or part of such a course) is, or is proposed to be, given; or
  - any examination is, or is proposed to be, held in connection with any relevant course.
- (2) The rules may make provision—
- for the appointment of visitors;
  - for reports to be made by visitors on—
    - the nature and quality of the instruction given, or to be given, and the facilities provided or to be provided, at the place or by the institution visited; and
    - such other matters as may be specified in the rules;
  - for the payment by the Council of fees, allowances and expenses to persons appointed as visitors;
  - for such persons to be treated, for the purposes of Schedule 1, as members of the Council's staff.
- (3) In subsection (1) “relevant course”, in relation to [<sup>F82</sup>the Council] , means—
- any course for which approval by the Council has been given, or is being sought, under section 63; or
  - any training which a person admitted to the [<sup>F83</sup>principal part] of the register maintained by the Council may be required to undergo after registration.

#### Textual Amendments

- F81** Words in s. 66(1) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 15 para. 14(a)**; [S.I. 2012/1319](#), art. 2(4)
- F82** Words in s. 66(3) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 15 para. 14(b)**; [S.I. 2012/1319](#), art. 2(4)
- F83** Words in s. 66(3)(b) substituted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), **reg. 240**

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#### **Modifications etc. (not altering text)**

- C2** S. 66 applied (1.10.2007) by 1983 c. 20, s. 114A(2) (as inserted by [Mental Health Act 2007 \(c. 12\)](#), ss. 19, 56; [S.I. 2007/2798](#), [art. 2](#))

#### **Commencement Information**

- I12** S. 66 partly in force; s. 66 not in force at Royal Assent see s. 122; s. 66 in force for E. for certain purposes at 7.5.2001 by [S.I. 2001/1536](#), [arts. 1\(3\)](#), [2\(2\)\(a\)\(iii\)](#); s. 66 in force for W. at 31.7.2001 by [S.I. 2001/2538](#), [art. 2\(1\)\(3\)\(b\)](#); s. 66 in force for E. for certain purposes at 25.3.2002 by [S.I. 2002/1245](#), [arts. 1\(3\)](#), [2\(1\)\(b\)\(iii\)](#)

## **67 Functions of the appropriate Minister.**

- (1) The appropriate Minister has the function of—
- (a) ascertaining what training is required by persons who are or wish to become social care workers;
  - (b) ascertaining what financial and other assistance is required for promoting such training;
  - (c) encouraging the provision of such assistance;
  - (d) drawing up occupational standards for social care workers.

[<sup>F84</sup>(1A) But the Secretary of State may not exercise the function under subsection (1)(a) or (d) in relation to a social worker who is registered as such in a register maintained under article 5 of the Health and Social Work Professions Order 2001.]

- (2) The appropriate Minister shall encourage persons to take part in [<sup>F85</sup>courses approved by the Health and Care Professions Council under article 15 or by virtue of article 19(4) of the Health and Social Work Professions Order 2001 for persons who are or wish to become social workers,] courses approved by [<sup>F86</sup>the Welsh Council] under section 63 and other courses relevant to the training of persons who are or wish to become social care workers.
- (3) If it appears to the appropriate Minister that adequate provision is not being made for training persons who are or wish to become social care workers, the appropriate Minister may provide, or secure the provision of, courses for that purpose.
- (4) The appropriate Minister may, upon such terms and subject to such conditions as the Minister considers appropriate—
- (a) make grants, and pay travelling and other allowances, to persons resident in England and Wales, in order to secure their training in the work of social care workers;
  - (b) make grants to organisations providing training in the work of social care workers.
- (5) Any functions of the Secretary of State under this section—
- <sup>F87</sup>(a) .....
  - (b) may be exercised by any person, or by employees of any person, authorised to do so by the Secretary of State.
- (6) Any functions of the Assembly under this section—
- (a) may be delegated by the Assembly to the Welsh Council; or
  - (b) may be exercised by any person, or by employees of any person, authorised to do so by the Assembly.



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- (7) For the purpose of determining—
- (a) the terms and effect of an authorisation under subsection (5)(b) or (6)(b); and
  - (b) the effect of so much of any contract made between the appropriate Minister and the authorised person as relates to the exercise of the function,
- Part II of the <sup>M1</sup>Deregulation and Contracting Out Act 1994 shall have effect as if the authorisation were given by virtue of an order under section 69 of that Act and, in respect of an authorisation given by the Assembly, references to a Minister included the Assembly; and in subsection (5)(b) and (6)(b) “employee” has the same meaning as in that Part.

#### Textual Amendments

- F84** S. 67(1A) inserted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 221(1)**, 306(4); S.I. 2012/1319, **art. 2(4)**
- F85** Words in s. 67(2) inserted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 221(2)**, 306(4); S.I. 2012/1319, **art. 2(4)**
- F86** Words in s. 67(2) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 15 para. 15(a)**; S.I. 2012/1319, **art. 2(4)**
- F87** S. 67(5)(a) omitted (1.8.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 15 para. 15(b)**; S.I. 2012/1319, **art. 2(4)**

#### Commencement Information

- I13** S. 67 partly in force; s. 67 not in force at Royal Assent see s. 122; s. 67 in force for W. at 1.10.2001 by [S.I. 2001/2538](#), **art. 2(2)(4)(a)**; s. 67(1)-(4)(7) in force for E. for certain purposes and s. 67(5) in force for E. at 25.3.2002 by [S.I. 2002/1245](#), **arts. 1(3)**, **2(1)(c)**

#### Marginal Citations

- M1** 1994 c. 40.

### [<sup>F88</sup>67A Exercise by Special Health Authority of functions under s. 67(4)(a)]

- (1) The Secretary of State may direct a Special Health Authority to exercise such of his functions under section 67(4)(a) as may be specified in the directions.
- (2) If the Secretary of State gives a direction under subsection (1), the National Health Service Act 2006 shall have effect as if—
- (a) the direction were a direction of the Secretary of State under section 7 of that Act, and
  - (b) the functions were exercisable by the Special Health Authority under section 7.
- (3) Directions under subsection (1)—
- (a) shall be given by an instrument in writing, and
  - (b) may be varied or revoked by subsequent directions.]

#### Textual Amendments

- F88** S. 67A inserted (28.4.2008) by [Health Act 2006 \(c. 28\)](#), **ss. 72** (as amended by [2006 c. 43](#), s. 2, **Sch. 1 para. 287**), 83; S.I. 2008/1147, **art. 4**

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### *Miscellaneous and supplemental*

## **68 Appeals to the Tribunal.**

- (1) An appeal against a decision of [<sup>F89</sup>the Welsh Council] under this Part in respect of registration shall lie to the Tribunal.
- [<sup>F90</sup>(1A) An appeal shall lie to the Tribunal against a decision of [<sup>F89</sup>the Welsh Council] under Part 3 of the General Systems Regulations in respect of an aptitude test, or period of adaptation, in connection with a person's becoming permitted, by virtue of that Part of those Regulations, to have access to, and to pursue, the profession of social worker in the United Kingdom.]
- [<sup>F91</sup>(1B) An appeal shall lie to the Tribunal against a decision of the Welsh Council under Part 3 of the General Systems Regulations in respect of an aptitude test, or period of adaptation, in connection with a person becoming permitted, by virtue of that Part of those Regulations, to have access to, and to pursue, the profession of social care manager in the United Kingdom.
- (1C) An appeal shall lie to the Tribunal against a decision of the Welsh Council under regulation 67 of the General Systems Regulations to send an alert about a person.]
- (2) On an appeal against a decision, the Tribunal may confirm the decision or direct that it shall not have effect [<sup>F92</sup>or, in the case of an appeal under subsection (1C), direct that the alert be withdrawn or amended] .
- (3) The Tribunal shall also have power on an appeal against a decision—
- (a) to vary any condition for the time being in force in respect of the person to whom the appeal relates;
  - (b) to direct that any such condition shall cease to have effect; or
  - (c) to direct that any such condition as it thinks fit shall have effect in respect of that person.

#### **Textual Amendments**

- F89** Words in s. 68(1)(1A) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 15 para. 16](#); [S.I. 2012/1319](#), art. 2(4)
- F90** S. 68(1A) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), [reg. 241](#)
- F91** S. 68(1B)(1C) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, [109\(2\)](#) (with reg. 155)
- F92** Words in s. 68(2) inserted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\)](#), regs. 1, [109\(3\)](#) (with reg. 155)

#### **Modifications etc. (not altering text)**

- C3** S. 68 savings for effects of 2012 c. 7, Sch. 15 para. 16 (1.8.2012) by [The General Social Care Council \(Transfer of Register and Abolition Transitional and Saving Provision\) Order of Council 2012 \(S.I. 2012/1480\)](#), arts. 1(2)(b), [12\(1\)](#)

#### **Commencement Information**

- I14** S. 68 partly in force; s. 68 not in force at Royal Assent see s. 122; s. 68 in force for E. for certain purposes at 1.4.2003 by [S.I. 2003/933](#), [art. 2\(2\)](#); s. 68 in force for W. at 1.6.2003 by [S.I. 2003/501](#), [art. 2\(4\)](#)

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## 69 Publication etc. of register.

- (1) [<sup>F93</sup>The Welsh Council] shall publish the register maintained by it in such manner, and at such times, as it considers appropriate.
- (2) Any person who asks the Council for a copy of, or of an extract from, the register shall be entitled to have one.

### Textual Amendments

**F93** Words in s. 69(1) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 17](#); [S.I. 2012/1319, art. 2\(4\)](#)

### Commencement Information

**I15** S. 69 partly in force; s. 69 not in force at Royal Assent see s. 122; s. 69 in force for E. for certain purposes at 1.4.2003 by [S.I. 2003/933, art. 2\(2\)](#); s. 69 in force for W. at 1.6.2003 by [S.I. 2003/501, art. 2\(4\)](#)

## <sup>F94</sup>70 Abolition of Central Council for Education and Training in Social Work.

### Textual Amendments

**F94** S. 70 omitted (1.8.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 18](#); [S.I. 2012/1319, art. 2\(4\)](#)

## 71 Rules.

- (1) Any power of [<sup>F95</sup>the Welsh Council] to make rules under this Part may be exercised—
  - (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and
  - (b) so as to make, as respects the cases in relation to which it is exercised, the same provision for all cases in relation to which the power is exercised, or different provision for different cases or different classes of case, or different provision as respects the same case or class of case for different purposes.
- (2) Rules made by [<sup>F95</sup>the Welsh Council] under this Part may make provision for the payment of reasonable fees to the Council in connection with the discharge of the Council's functions [<sup>F96</sup>, but subject to subsection (3A)].
- (3) In particular, the rules may make provision for the payment of such fees in connection with—
  - (a) registration (including applications for registration or for amendment of the register [<sup>F97</sup>, but subject to subsection (3A)]);
  - (b) the approval of courses under section 63;
  - (c) the provision of training;
  - (d) the provision of copies of codes of practice or copies of, or extracts from, the register,

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including provision requiring persons registered under this Part to pay a periodic fee to the Council of such amount, and at such time, as the rules may specify.

[<sup>F98</sup>(3A) Rules made by [<sup>F99</sup>the Welsh Council] under this Part may not make provision for the payment of fees in connection with registration in the visiting [<sup>F100</sup>European social worker part or visiting European social care manager part] of the register.]

(4) No rules shall be made by [<sup>F101</sup>the Welsh Council] under this Part without the consent of the appropriate Minister.

#### Textual Amendments

- F95** Words in s. 71(1)(2) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 19](#); [S.I. 2012/1319, art. 2\(4\)](#)
- F96** Words in s. 71(2) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\), reg. 242\(a\)](#)
- F97** Words in s. 71(3)(a) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\), reg. 242\(b\)](#)
- F98** S. 71(3A) inserted (3.12.2007) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\), reg. 242\(c\)](#)
- F99** Words in s. 71(3A) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 19](#); [S.I. 2012/1319, art. 2\(4\)](#)
- F100** Words in s. 71(3A) substituted (18.11.2016) by [The European Qualifications \(Health and Social Care Professions\) Regulations 2016 \(S.I. 2016/1030\), regs. 1, 110\(2\)](#) (with reg. 155)
- F101** Words in s. 71(4) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 15 para. 19](#); [S.I. 2012/1319, art. 2\(4\)](#)

#### Modifications etc. (not altering text)

- C4** S. 71 applied (1.10.2007) by [1983 c. 20, s. 114A\(2\)](#) (as inserted by [Mental Health Act 2007 \(c. 12\), ss. 19, 56](#); [S.I. 2007/2798, art. 2](#))

#### Commencement Information

- I16** S. 71 partly in force; s. 71 not in force at Royal Assent see s. 122; s. 71 in force for E. for certain purposes at 7.5.2001 by [S.I. 2001/1536, arts. 1\(3\), 2\(2\)\(a\)\(iii\)](#); s. 71 in force for W. for certain purposes at 31.7.2001 by [S.I. 2001/2538, art. 2\(1\)\(3\)\(c\)](#); s. 71 in force for E. for certain purposes at 25.3.2002 by [S.I. 2002/1245, arts. 1\(3\), 2\(1\)\(b\)\(iv\)](#); s. 71 in force for W. in so far as not already in force at 30.4.2002 by [S.I. 2002/1175, arts. 1\(3\), 2\(2\)](#)

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