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WELSH STATUTORY INSTRUMENTS

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**2001 No. 2136**

**The Care Council for Wales (Appointment,  
Membership and Procedure) Regulations 2001**

**Disqualification from appointment**

5.—(1) Subject to regulation 6 (cessation of disqualification) a person shall be disqualified for appointment as a member if—

- (a) he or she has been convicted of an offence that is excluded from rehabilitation under section 5 of the Rehabilitation of Offenders Act 1974 (Rehabilitation periods for particular sentences)(1);
- (b) he or she is a person in respect of whom a rehabilitation period under section 5 of the Rehabilitation of Offenders Act 1974 arising out of his or her imprisonment has not expired;
- (c) he or she has been convicted of any offence listed in Schedule 1 to the Children and Young Persons Act 1933 (2) (including offences listed in Schedule 1 by virtue of amendments made to it after the making of these regulations);
- (d) he or she is included (otherwise than provisionally) in any of the following lists:
  - (i) the list kept by the Secretary of State under section 1 of the Protection of Children Act 1999 (Duty of Secretary of State to keep list)(3); or
  - (ii) the list kept by the Secretary of State under section 81 of the Care Standards Act 2000 (Duty of Secretary of State to keep list);
- (e) an entry made in respect of him or her in any part of any register required to be kept by the Council or the English Council under section 56 of the Act (The Register) has been removed or suspended for a reason or reasons that included a finding that he or she failed to observe the standards of conduct and practice expected of social care workers laid down in a code of practice issued under section 62 of the Act (Codes of practice) by the Council or (as the case may be) the English Council;

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(1) Section 5 has been amended by the following provisions: section 22 of and paragraphs 20(4),(5) and 21 of Schedule 9 to the Armed Forces Act 1976 (c. 52); section 83(2) of and paragraph 24 of Schedule 7 to the Criminal Justice (Scotland) Act 1980 (c. 62); section 28 of and paragraph 2 of Schedule 4 to the Armed Forces Act 1981 (c. 55); sections 77 and 78 of, paragraphs 36(a),(b) and 37 of Schedule 14 to, and Schedule 16 to the Criminal Justice Act 1982 (c. 48); section 65(1) of and paragraph 49 of Schedule 3 to the Mental Health (Amendment) Act 1982 (c. 51); section 148 of and paragraph 39 of Schedule 4 to the Mental Health Act 1983 (c. 20); section 123(6) of and paragraph 9(a),(b) of Schedule 8 to the Criminal Justice Act 1988 (c. 33); section 108(7) of and Schedule 15 to the Children Act 1989 (c. 41); section 26 of and Schedule 3 to the Armed Forces Act 1991 (c. 29); sections 68 and 101(1) of, paragraph 5 of Schedule 8 to, and paragraph 22 of Schedule 12 to the Criminal Justice Act 1991 (c. 53); section 168(1),(2),(3) of, paragraph 11(1)(a),(b),(c), (2) of Schedule 9 to, and paragraph 30 of Schedule 10 to the Criminal Justice and Public Order Act 1994 (c. 33); section 105(4) of and paragraph 23(3) of Schedule 4 to the Children (Scotland) Act 1995 (c. 36); section 119 of and paragraph 35 of Schedule 8 to the Crime and Disorder Act 1998 (c. 37); section 67(1) of and paragraph 6(1),(2),(3) of Schedule 4 to the Youth Justice and Criminal Evidence Act 1999 (c. 23); section 165(1) of and paragraph 48 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6); section 74 of and paragraphs 48 and 49(a),(b) of Schedule 7 to the Criminal Justice and Court Services Act 2000 (c. 43).

(2) 1933 c. 12. The Schedule has been amended by sections 48 and 51 of and Schedules 3 and 4 to the Sexual Offences Act 1956 (c. 69) and by section 170 of, paragraphs 8 and 9 of Schedule 15 to, and Schedule 16 to the Criminal Justice Act 1988 (c. 33).

(3) 1999 c. 14.

- (f) an entry made in respect of him or her in any part of any register required to be kept by the Northern Irish or Scottish Council has been removed or suspended for a reason or reasons that included a finding of a type similar to that described in sub-paragraph (d) in relation to removals of entries from registers kept by the Council or the English Council;
- (g) he or she has been adjudged bankrupt or has made a composition or arrangement with his or her creditors;
- (h) he or she is an employee of any Council;
- (i) he or she is a member of any Council other than the Council; or
- (j) he or she has within the preceding four years held office as a member of the Council under a term of office that ran consecutively to another term of office as a member of the Council.

(2) For the purposes of paragraph 1(e) a person's entry shall be deemed to have been removed or suspended from a register on the date upon which the ordinary period allowed for appealing to the Tribunal mentioned in section 68 of the Act (Appeals to the Tribunal) against the removal or suspension expires or, if such an appeal is made, the date on which the appeal or application is finally disposed of or has, in the reasonable opinion of the National Assembly, been abandoned.

(3) For the purposes of paragraph 1(f) a person's entry shall be deemed to have been removed or suspended from a register on the date upon which the law of Northern Ireland or (as the case may be) Scotland provides that the ordinary period allowed for appealing against the removal or suspension to an independent tribunal or a court expires or, if such an appeal is made, the date upon which the appeal is finally disposed of or has, in the reasonable opinion of the National Assembly, been abandoned.

(4) This regulation shall not be taken to prejudice the extent of any factor, or the type of factors, the National Assembly may take into account when considering whether or not to appoint a person who is not disqualified by virtue of this regulation as a member of the Council.