



# Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

## PART 3

### SOCIAL CARE WALES

*Consultation before making rules etc.*

#### **75 Consultation before making rules etc.**

- (1) SCW must comply with the requirements of subsection (2)—
- (a) before making any rules under this Act;
  - (b) before publishing a code of practice under section 112 (codes setting standards of conduct expected of social care workers and their employers);
  - (c) before publishing guidance under section 162 (guidance for fitness to practise and interim orders panels in respect of proceedings under Part 6),
- unless subsection (3) applies.
- (2) Before making the rules or publishing the code or guidance SCW must—
- (a) publish a draft of the proposed rules, code or guidance accompanied by—
    - (i) an explanation of the purpose of the proposed rules, code or guidance and a summary of the intended effect of the proposed rules, code or guidance;
    - (ii) a notice specifying the period within which representations may be made to SCW about the proposal, and
  - (b) take reasonable steps to give notice of the proposal and the period for making representations to—
    - (i) social care workers SCW thinks may be affected by the proposal,
    - (ii) the Welsh Ministers, and
    - (iii) such other persons SCW thinks appropriate.

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation and Inspection of Social Care (Wales) Act 2016, Cross Heading: Consultation before making rules etc.. (See end of Document for details)

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- (3) This subsection applies if SCW—
- (a) is satisfied that the nature of the proposed rules, code or guidance is such that consultation would be inappropriate or disproportionate, and
  - (b) has obtained the agreement of the Welsh Ministers to proceed without consultation.
- (4) Section 184 (service of documents etc.) does not apply to anything done by SCW under subsection (2).

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**Commencement Information**

- I1** [S. 75](#) in force at 11.7.2016 for specified purposes by [S.I. 2016/713](#), [art. 2](#)
- I2** [S. 75](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/309](#), [art. 2\(b\)](#) (with [arts. 3, 4](#), [Sch.](#))

**Changes to legislation:**

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