

SCHEDULES

SCHEDULE 15

PART 7: CONSEQUENTIAL AMENDMENTS AND SAVINGS

PART 1

ABOLITION OF THE GENERAL SOCIAL CARE COUNCIL

Amendments to the Care Standards Act 2000 (c. 14)

- 1 The Care Standards Act 2000 is amended as follows.
- 2 In section 55(3)(g) (power to treat persons on certain social work courses as social care workers)—
 - (a) for “a Council” substitute “the Welsh Council”, and
 - (b) after “section 63” insert “, or by the Health and Care Professions Council under article 15 of the Health and Social Work Professions Order 2001,”.
- 3 In section 56 (register of social care workers etc.)—
 - (a) in subsection (1), for “Each Council” substitute “The Welsh Council”, and
 - (b) in subsection (4), for “the Council” substitute “the Welsh Council”.
- 4 In section 57 (applications for registration), in subsection (1), for “a Council” substitute “the Welsh Council”.
- 5 In section 58 (grant or refusal of registration), in subsection (1) for “the Council” substitute “the Welsh Council”.
- 6 In section 58A (visiting social workers from relevant European States)—
 - (a) in subsections (3) and (7), for “a Council” substitute “the Welsh Council”, and
 - (b) in subsection (6), for “a Council, that” substitute “the Welsh Council, the”.
- 7 In section 59 (removal etc. from register), in subsection (1), for “Each Council” substitute “The Welsh Council”.
- 8 In section 60 (rules about registration), for “A Council” substitute “The Welsh Council”.
- 9 In section 61 (offence relating to use of title “social worker” etc.)—
 - (a) in subsection (1), after “a person” insert “in Wales”,
 - (b) in subsection (2)(a), for “a Council” substitute “the Welsh Council”, and
 - (c) in subsection (2)(b), after “the law of” insert “England and Wales so far as applying in relation to England,”.
- 10 In section 62 (codes of practice)—
 - (a) in subsection (1), for “Each Council” substitute “The Welsh Council”,

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- (b) in subsections (3), (4) and (6), for “a Council” substitute “the Council”, and
- (c) in subsection (5), after “Local authorities” insert “in Wales”.
- 11 In section 63 (approval of courses etc.)—
 - (a) in subsection (1), for “Each Council” substitute “The Welsh Council”, and
 - (b) in subsection (4), for “A Council” substitute “The Council”.
- 12 In section 64 (qualifications gained outside Council’s area)—
 - (a) in subsection (A1), for “a Council” substitute “the Welsh Council”,
 - (b) omit subsection (1), and
 - (c) for the title substitute “Qualifications gained outside the Welsh Council’s area”.
- 13 In section 65(1) (power to make rules requiring registered persons to undertake further training), for “A Council” substitute “The Welsh Council”.
- 14 In section 66 (visitors for certain social work courses)—
 - (a) in subsection (1), for “A Council” substitute “The Welsh Council”, and
 - (b) in subsection (3), for “a Council” substitute “the Council”.
- 15 In section 67 (functions of the appropriate Minister)—
 - (a) in subsection (2), for “a Council” substitute “the Welsh Council”, and
 - (b) in subsection (5), omit paragraph (a) (and the “or” following it).
- 16 In section 68 (appeals to the Tribunal), in subsections (1) and (1A), for “a Council” substitute “the Welsh Council”.
- 17 In section 69 (publication etc. of register), in subsection (1), for “A Council” substitute “The Welsh Council”.
- 18 Omit section 70 (abolition of the Central Council for Education and Training in Social Work).
- 19 In section 71 (rules), in subsections (1), (2), (3A) and (4), for “a Council” substitute “the Welsh Council”.
- 20 In section 113 (default Ministerial powers), omit subsection (1).
- 21 In section 114 (schemes for the transfer of staff), in subsection (1), omit “, 70”.
- 22 In section 118 (orders and regulations), in subsection (4), omit the words from “; and” to the end.
- 23 In section 121 (13) (index of defined expressions)—
 - (a) omit the entry for “CCETSW”,
 - (b) omit the entry for references to the Council, the English Council and the Welsh Council, and
 - (c) at the end insert—
 - “the Welsh Council | Section 54”.
- 24 In section 122 (commencement), omit “section 70(2) to (5) and”.
- 25 In section 123 (extent), omit subsection (3).
- 26 Schedule 1 (the Care Councils) is amended as follows.
- 27 Omit paragraph 1 (introductory).

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- 28 In paragraph 2 (status)—
- (a) for “An authority” substitute “The Welsh Council”, and
 - (b) for “an authority’s” substitute “the Council’s”.
- 29 In paragraph 3(1) (general powers), for “the Secretary of State, an authority” substitute “the Welsh Ministers, the Welsh Council”.
- 30 In paragraph 4 (general duty), for “an authority” substitute “the Welsh Council”.
- 31 For paragraph 5 (membership)—
- (a) for “Each authority” substitute “The Welsh Council”, and
 - (b) for “the Secretary of State” substitute “the Welsh Ministers”.
- 32 In paragraph 6 (appointment, procedure etc.)—
- (a) for “The Secretary of State” substitute “The Welsh Ministers”,
 - (b) in paragraph (a), for “an authority” substitute “the Welsh Council”,
 - (c) in paragraphs (b), (c) and (d), (in the case of paragraph (d), in each place it appears) for “an authority” substitute “the Council”, and
 - (d) in paragraph (c), for “the authority” substitute “the Council”.
- 33 (1) Paragraph 7 (remuneration and allowances) is amended as follows.
- (2) In sub-paragraph (1)—
 - (a) for “An authority” substitute “The Welsh Council”,
 - (b) for “the authority”, in each place it appears, substitute “the Council”, and
 - (c) for “the Secretary of State” substitute “the Welsh Ministers”.
 - (3) In sub-paragraph (2)—
 - (a) for “the Secretary of State so determines” substitute “the Welsh Ministers so determine”,
 - (b) for “an authority”, in each place it appears, substitute “the Council”, and
 - (c) for “the Secretary of State” substitute “the Welsh Ministers”.
 - (4) In sub-paragraph (3)—
 - (a) for “the Secretary of State determines” substitute “the Welsh Ministers determine”,
 - (b) for “an authority” substitute “the Council”,
 - (c) for “the authority” substitute “the Council”, and
 - (d) for “the Secretary of State” substitute “the Welsh Ministers”.
- 34 (1) Paragraph 8 (chief officer) is amended as follows.
- (2) In sub-paragraph (1)—
 - (a) for “each authority” substitute “the Welsh Council”, and
 - (b) for “the authority”, in each place it appears, substitute “the Council”.
 - (3) In sub-paragraph (2), for “the Secretary of State”, in each place it appears, substitute “the Welsh Ministers”.
 - (4) In sub-paragraph (3), for “the authority” substitute “the Council”.
 - (5) In sub-paragraph (4), for “the Secretary of State” substitute “the Welsh Ministers”.
- 35 (1) Paragraph 12 (staff) is amended as follows.
- (2) In sub-paragraph (1), for “An authority” substitute “The Welsh Council”.

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- (3) In sub-paragraph (2)—
- (a) for “an authority” substitute “the Council”, and
 - (b) for “the authority” substitute “the Council”.
- (4) In sub-paragraph (3), for “an authority” substitute “the Council”.
- (5) In sub-paragraph (4)—
- (a) for “Secretary of State” substitute “Welsh Ministers”,
 - (b) in paragraph (a), for “an authority” substitute “the Council”, and
 - (c) in paragraph (c), for “the authority” substitute “the Council”.
- 36 (1) Paragraph 13 (delegation of functions) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) for “An authority” substitute “The Welsh Council”, and
 - (b) for “the authority” substitute “the Council”.
- (3) In sub-paragraph (2)—
- (a) for “An authority” substitute “The Council”, and
 - (b) for “the authority” substitute “the Council”.
- 37 In paragraph 14 (arrangements for the use of staff)—
- (a) for “The Secretary of State” substitute “The Welsh Ministers”,
 - (b) in paragraph (a), for “an authority” substitute “the Welsh Council”, and
 - (c) in paragraph (b), for “an authority” substitute “the Council”, and for “the authority” substitute “the Council”.
- 38 In paragraph 16 (payments to authorities)—
- (a) for “The Secretary of State” substitute “The Welsh Ministers”,
 - (b) for “an authority” substitute “the Welsh Council”, and
 - (c) for “he considers” substitute “they consider”.
- 39 (1) Paragraph 18 (accounts) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) for “An authority” substitute “The Welsh Council”, and
 - (b) for “the Secretary of State” substitute “the Welsh Ministers”.
- (3) In sub-paragraph (2)—
- (a) for “An authority” substitute “The Council”, and
 - (b) for “the Secretary of State” substitute “the Welsh Ministers”.
- (4) In sub-paragraph (3)—
- (a) for “An authority” substitute “The Council”,
 - (b) for “the Secretary of State”, in each place it appears, substitute “the Welsh Ministers”, and
 - (c) for “the Comptroller and Auditor General” substitute “the Auditor General for Wales”.
- (5) In sub-paragraph (4)—
- (a) for “The Comptroller and Auditor General” substitute “The Auditor General for Wales”, and
 - (b) for “Parliament” substitute “the Assembly”.

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- (6) In sub-paragraph (5)—
 - (a) for “an authority” substitute “the Council”, and
 - (b) in paragraph (a), for “the authority” substitute “the Council”.
- 40 (1) Paragraph 19 (reports etc.) is amended as follows.
 - (2) In sub-paragraph (1)—
 - (a) for “an authority” substitute “the Welsh Council”, and
 - (b) for “the Secretary of State” substitute “the Welsh Ministers”.
 - (3) In sub-paragraph (2)—
 - (a) for “An Authority” substitute “The Council”,
 - (b) for “the Secretary of State” substitute “the Welsh Ministers”, and
 - (c) for “he” substitute “they”.
 - (4) In sub-paragraph (3), for “the authority” substitute “the Council”.
- 41 In paragraph 20 (application of seal)—
 - (a) for “an authority” substitute “the Welsh Council”, and
 - (b) in paragraphs (a) and (b), for “the authority” substitute “the Council”.
- 42 In paragraph 21 (evidence), for “an authority” substitute “the Welsh Council”.
- 43 For the title to Schedule 1 substitute “The Welsh Council”.

Amendments to the Health and Social Care Act 2008 (c. 14)

- 44 The Health and Social Care Act 2008 is amended as follows.
- 45 (1) In section 124 (regulation of social care workers)—
 - (a) in subsection (1), for “appropriate Minister”, in each place it appears, substitute “Welsh Ministers”,
 - (b) in that subsection, for “their regulation” substitute “the regulation of social care workers”, and
 - (c) in subsection (3), omit the definition of “the appropriate Minister”.
- (2) For the title to that section substitute “Regulation of social care workers: Wales”.
- 46 Section 125 (standard of proof in proceedings relating to registration of social care worker)—
 - (a) in subsection (2), for “a committee of a Council, a Council itself or any officer of a Council” substitute “the Care Council for Wales, a committee of the Council or any officer of the Council”, and
 - (b) in subsection (3), omit paragraph (a).
- 47 (1) Section 126 (education and training of approved mental health professionals) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “appropriate Minister” substitute “Welsh Ministers”, and
 - (b) omit “the General Social Care Council or”.
 - (3) In subsection (4), omit the definition of “the appropriate Minister”.

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- (4) For the title to section 126 substitute “Education and training of approved mental health professionals: Wales”.
- 48 In section 171(4) (provisions which Welsh Ministers have power to commence), before paragraph (a) insert—
- “(za) sections 124 and 125 and Schedule 9 (regulation of social care workers: Wales) and section 126 (education and training of approved mental health professionals: Wales).”
- 49 (1) Schedule 9 (regulation of social care workers) is amended as follows.
- (2) In paragraph 1 (interpretation), for the definition of “the appropriate Council” substitute—
- ““the Council” means the Care Council for Wales.”
- (3) In paragraph 2 (matters generally within the scope of regulations), in paragraphs (a) and (h), for “the appropriate Council” substitute “the Council”.
- (4) In paragraph 5 (payments), in paragraph (b), for “the appropriate Council” substitute “the Council”.
- (5) In paragraph 6 (sub-delegation), in paragraph (a), omit the words from “Ministers of the Crown” to “Welsh Ministers, on”.
- (6) In paragraph 8 (matters outside the scope of regulations)—
- (a) in sub-paragraph (1), omit “the General Social Care Council or”,
- (b) in sub-paragraph (2), for “either of those Councils” substitute “the Council”, and
- (c) in that sub-paragraph, for “that Council” substitute “the Council”.
- (7) Omit paragraph 9 (preliminary procedure for making regulations: England).
- (8) For the title to that Schedule substitute “Regulation of social care workers: Wales”.

Amendments to other Acts

- 50 In the following provisions, omit the entry for the General Social Care Council—
- (a) the Schedule to the Public Bodies (Admission to Meetings) Act 1960,
- (b) Schedule 2 to the Parliamentary Commissioner Act 1967,
- (c) Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975,
- (d) Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975, and
- (e) Part 6 of Schedule 1 to the Freedom of Information Act 2000.
- 51 In section 343 of the Income Tax (Earning and Pensions) Act 2003 (deductions for professional membership fees), in paragraph 1 of the Table in subsection (2), omit sub-paragraph (o).
- 52 In section 41 of the Safeguarding Vulnerable Groups Act 2006 (registers: duty to refer), in entry number 8 in the table in subsection (7)—
- (a) in the first column, after “social care workers” insert “in Wales”, and
- (b) in the second column, for the words from “General” to the end substitute “Care Council for Wales”.