

Draft Regulations laid before the National Assembly for Wales under section 196(6) of the Social Services and Well-being (Wales) Act 2014, for approval by resolution of the National Assembly for Wales.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2015 No. (W.)

SOCIAL CARE, WALES

**The Adult Protection and Support
Orders (Authorised Officer)
(Wales) Regulations 2015**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Social Services and Well-being (Wales) Act 2014 and relate to a person authorised by a local authority to apply for an adult protection and support order under section 127 of that Act.

Regulation 3(1) provides that, except in the circumstances set out in paragraphs (2) and (3), a local authority must only authorise a person who has relevant experience and appropriate training and is an officer of that local authority.

Where that is not practicable regulation 3(2) provides for a person to be authorised who has relevant experience and appropriate training and who is an officer of a local authority within a certain safeguarding board area, or failing that, of a local authority in Wales.

In circumstances where it is not practicable for an officer described in paragraphs (1) or (2) to act, regulation 3(3) allows a local authority to authorise an officer of that authority who has the relevant experience.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained at xxx

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2015 No. (W.)

SOCIAL CARE, WALES

**The Adult Protection and Support
Orders (Authorised Officer)
(Wales) Regulations 2015**

Made ***

Coming into force ***

The Welsh Ministers, in exercise of the powers conferred by section 127(9) of the Social Services and Well-being (Wales) Act 2014(1), make the following Regulations.

A draft of these Regulations was laid before the National Assembly for Wales under section 196(6) of that Act and has been approved by a resolution of the National Assembly for Wales.

Title, Commencement and Application

1.—(1) The title of these Regulations is The Adult Protection and Support Orders (Authorised Officer) (Wales) Regulations 2015.

(2) These Regulations come into force on xxxx.

(3) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

“authorising authority” means the local authority which authorises the authorised officer;

(1) 2014 ANAW c.4.

“officer” means an officer appointed under section 112 of the Local Government Act 1972.

Restrictions on who may be authorised officer

3.—(1) Subject to paragraphs (2) and (3), a local authority must only authorise a person to apply for an adult protection and support order who has relevant experience, has completed appropriate training and is an officer of the authorising authority.

(2) Subject to paragraph (3), in a particular case where it is not practicable for an officer who satisfies paragraph (1) to act, a local authority must only authorise a person who has relevant experience, has completed appropriate training and is —

- (a) an officer of a local authority within the same Safeguarding Board area⁽¹⁾ as the authorising authority, or
- (b) where it is not practicable for an officer described in sub-paragraph (a) to act, an officer of any local authority in Wales.

(3) In a particular case where it is not practicable for an officer who satisfies paragraph (1) or (2) to act, a local authority must only authorise a person who has relevant experience and is an officer of the authorising authority.

Mark Drakeford

Minister for Health and Social Services, one of the Welsh Ministers

Date

(1) Section 142 of the Act defines “Safeguarding board area” as an area set out in regulations under s.134(1) of the Act.