



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 4

MEETING NEEDS

Meeting care and support needs of adults

35 Duty to meet care and support needs of an adult

- (1) A local authority must meet an adult's needs for care and support if it is satisfied that conditions 1, 2 and 3 are met (but see subsection (6)).
- (2) Condition 1 is that the adult is—
 - (a) ordinarily resident in the local authority's area, or
 - (b) of no settled residence and within the authority's area.
- (3) Condition 2 is that—
 - (a) the needs meet the eligibility criteria, or
 - (b) the local authority considers it necessary to meet the needs in order to protect the adult from abuse or neglect or a risk of abuse or neglect.
- (4) Condition 3 is that—
 - (a) there is no charge for the care and support needed to meet those needs, or
 - (b) there is a charge for that care and support but—
 - (i) the local authority is satisfied on the basis of a financial assessment that the adult's financial resources are at or below the financial limit,
 - (ii) the local authority is satisfied on the basis of a financial assessment that the adult's financial resources are above the financial limit but the adult nonetheless asks the authority to meet his or her needs, or
 - (iii) the local authority is satisfied that the adult lacks capacity to arrange for the provision of care and support and there is no person authorised

Changes to legislation: Social Services and Well-being (Wales) Act 2014, Cross Heading: Meeting care and support needs of adults is up to date with all changes known to be in force on or before 17 September 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

to make such arrangements under the Mental Capacity Act 2005 or otherwise in a position to do so on the adult's behalf.

- (5) For the meaning of “financial assessment” and “financial limit” see Part 5.
- (6) The duty under subsection (1) does not apply to an adult's needs to the extent that the local authority is satisfied that those needs are being met by a carer.

Commencement Information

I1 S. 35 in force at 6.4.2016 by [S.I. 2016/412](#), **art. 2** (with [art. 4](#), [Schs. 1, 2](#))

36 Power to meet care and support needs of adult

- (1) A local authority may meet an adult's needs for care and support if the adult is—
 - (a) within the local authority's area, or
 - (b) ordinarily resident in the authority's area, but outside its area.
- (2) If a local authority meets the needs of an adult who is ordinarily resident in the area of another local authority under subsection (1), it must notify the local authority in whose area the adult is ordinarily resident that it is doing so.
- (3) A local authority has the power to meet needs under this section whether or not it has completed a needs assessment in accordance with Part 3 or a financial assessment in accordance with Part 5.

Commencement Information

I2 S. 36 in force at 6.4.2016 by [S.I. 2016/412](#), **art. 2** (with [art. 4](#), [Schs. 1, 2](#))

Changes to legislation:

Social Services and Well-being (Wales) Act 2014, Cross Heading: Meeting care and support needs of adults is up to date with all changes known to be in force on or before 17 September 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(9)(ba) inserted by [2016 anaw 2 Sch. 3 para. 30\(a\)\(i\)](#)
- s. 1(9)(ca) inserted by [2016 anaw 2 Sch. 3 para. 30\(a\)\(ii\)](#)
- s. 1(9)(da) substituted for word by [2016 anaw 2 Sch. 3 para. 30\(a\)\(iii\)](#)
- s. 83(2A)-(2D) inserted by [2018 anaw 2 s. 16\(2\)](#)
- s. 83(10) inserted by [2018 anaw 2 s. 16\(9\)](#)
- s. 163(4A) inserted by [2014 c. 23 s. 75\(10\)](#) (Effect inserting (4) not applied at s. 163 as it appears to relate to s. 194 in view of the title of the section as cited i.e. "ordinary residence". In s. 194 another (4), identically worded, is inserted on the same date by S.I. 2016/413, regs. 2(1), 316(a))
- s. 196(6)(ca) inserted by [2018 anaw 2 Sch. 1 para. 24\(4\)](#)