



# Social Services and Well-being (Wales) Act 2014

2014 anaw 4

## PART 11

### MISCELLANEOUS AND GENERAL

#### *Supplementary*

#### **194 Ordinary residence**

- (1) Where an adult has needs for care and support which can be met only if the adult is living in accommodation of a type specified in regulations and the adult is living in accommodation in Wales of a type so specified, the adult is to be treated for the purposes of this Act as ordinarily resident—
  - (a) in the area in which the adult was ordinarily resident immediately before the adult began to live in accommodation of a type specified in the regulations, or
  - (b) if the adult was of no settled residence immediately before the adult began to live in accommodation of a type so specified, in the area in which the adult was present at that time.
- (2) Where, before beginning to live in his or her current accommodation, the adult was living in accommodation of a type so specified (whether or not of the same type as the current accommodation), the reference in subsection (1)(a) to when the adult began to live in accommodation of a type so specified is a reference to the beginning of the period during which the adult has been living in accommodation of one or more of the specified types for consecutive periods.
- (3) The regulations may make provision for determining for the purposes of subsection (1) whether an adult has needs for care and support which can be met only if the adult is living in accommodation of a type specified in regulations.
- (4) A person who is being provided with accommodation under a health enactment is to be treated for the purposes of this Act as ordinarily resident—

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*Status: This is the original version (as it was originally enacted).*

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- (a) in the area in which the person was ordinarily resident immediately before the accommodation was provided, or
  - (b) if the person was of no settled residence immediately before the accommodation was provided, in the area in which the person was present at that time.
- (5) In subsection (4) “health enactment” means—
- (a) the National Health Service (Wales) Act 2006;
  - (b) the National Health Service Act 2006;
  - (c) the National Health Service (Scotland) Act 1978;
  - (d) the [Health and Personal Social Services \(Northern Ireland\) Order 1972 \(S.I. 1972/1265 \(N.I. 14\)\)](#);
  - (e) the Health and Social Care (Reform) Act (Northern Ireland) 2009.
- (6) In determining the ordinary residence of a child for the purposes of this Act, the child’s residence in the following places is to be disregarded—
- (a) a school or other institution;
  - (b) a place in which the child is placed in accordance with the requirements of a supervision order under the Children Act 1989;
  - (c) a place in which the child is placed in accordance with the requirements of a youth rehabilitation order under Part 1 of the Criminal Justice and Immigration Act 2008;
  - (d) accommodation provided by or on behalf of a local authority or a local authority in England;
  - (e) a place specified in regulations.
- (7) See also sections 185(1) to (3) and 186(2) for provision as to the ordinary residence of persons in prison, youth detention accommodation or bail accommodation etc.