

## SCHEDULE 4

(as introduced by section 46)

### PUBLIC SERVICES BOARDS: CONSEQUENTIAL AMENDMENTS AND REPEALS

#### *Education Act 1997 (c.44)*

- 1 In section 38(2A)(b) of the Education Act 1997, for the words “sections 25 and 26” substitute “section 25”.

#### *Local Government Act 2000 (c.22)*

- 2 The Local Government Act 2000 is amended as follows.
- 3 In section 2 (promotion of well-being), in subsection (3B), for the words from “community strategy” to the end of the subsection substitute “local well-being plan for its area published under section 39 or 44(5) of the [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#).”
- 4 For subsection (3C) of that section substitute—
- “(3C) The local well-being plan for the area of a community council is the plan referred to in subsection (3B) that is published by the public services board that includes as a member the county council or county borough council in whose area lies the community or communities for which the community council is established.”.
- 5 In section 21 (overview and scrutiny committees), in subsection (4), at the end insert “or Part 4 of the [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#)”.
- 6 In section 21B of that Act (duty of authority to respond to overview and scrutiny committee), after subsection (1) insert—
- “(1A) A report or recommendation to a public services board by virtue of section 35(1)(c) of the [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#) is not to be regarded for the purposes of this section as a report or recommendation to the local authority that is a member of the board.”.

#### *Education Act 2002 (c.32)*

- 7 In section 21(9) of the Education Act 2002 (general responsibility for conduct of school: definition of “relevant children and young person’s plan”), for paragraph (b) substitute—
- “(b) in relation to a school in Wales, a local well-being plan published under section 39 or 44(5) of the [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#) by a public services board of which the local authority is a member.”.

#### *Planning and Compulsory Purchase Act 2004 (c.5)*

- 8 Section 62 of the Planning and Compulsory Purchase Act 2004 (local development plan) is amended as follows.
- 9 In subsection (5)(d), for “community strategy” substitute “local well-being plan”.
- 10 For subsection (7) substitute—

- “(7) A local well-being plan is relevant if it has been published under section 39 or 44(5) of the [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#) by—
- (a) in the case of an authority which is a county council or county borough council, the public services board of which that authority is a member;
  - (b) in the case of an authority which is a National Park Authority, the public services board for an area that includes any part of that authority’s area.”.

### *Children Act 2004 (c.31)*

- 11 The Children Act 2004 is amended as follows.
- 12 In section 25 (co-operation to improve well-being: Wales), after subsection (9) insert —
- “(9A) Information about the arrangements a local authority in Wales makes under this section may be included in the local well-being plan published under section 39 or 44(5) of the [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#) by the public services board of which the local authority is a member.”.
- 13 Section 26 (children and young people’s plans: Wales) is repealed.
- 14 In section 27—
- (a) in subsection (1)(a), for the words “sections 25 and 26” substitute “section 25”;
  - (b) in subsection (1)(b), for “those sections” substitute “that section”;
  - (c) the section heading becomes “Responsibility for functions under section 25”.
- 15 In section 30(2)(a) (inspection of functions under Part 3), the words “or 26” are repealed.
- 16 In section 50A(2)(c) (intervention - Wales), the words “, 26” are repealed.
- 17 Section 66(7) (procedure for regulations under section 26) is repealed.

### *Government of Wales Act 2006 (c.32)*

- 18 In paragraph 35(4) of Schedule 11 to the Government of Wales Act 2006 (procedures relating to certain pre-commencement powers to make subordinate legislation), in Table 2 the entries relating to sections 26(2)(f) and (4) of the Children Act 2004 are repealed.

### *National Health Service (Wales) Act 2006 (c.42)*

- 19 Section 40 of the National Health Service (Wales) Act 2006 (health and well-being strategies in Wales) is repealed.

### *Local Government (Wales) Measure 2009 (nawm 2)*

- 20 The Local Government (Wales) Measure 2009 is amended as follows.

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

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21 Part 2 (Community strategies and planning) is repealed.

22 Sections 48(2)(b), 50(5)(c) and 51(3) are repealed.

23 Schedule 3 is repealed.

#### *Children and Families (Wales) Measure 2010 (nawm 1)*

24 The Children and Families (Wales) Measure 2010 is amended as follows.

25 In section 2(8), the words “and section 26 of the [Children Act 2004 \(c. 31\)](#)” are repealed.

26 In section 4 (strategies prepared by local authorities)—

(a) in subsection (1), for the words “by the authority of a plan under section 26 of the [Children Act 2004 \(c. 31\)](#)” substitute “of a local well-being plan under section 39 or 44(5) of the [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#) by the public services board of which the authority is a member, but only if the authority’s strategy is an integral part of that plan”; and

(b) subsections (2) and (3) are repealed.

27 In section 5 (strategies prepared by other Welsh authorities)—

(a) subsection (4) is repealed; and

(b) in subsection (5), for the words from “plan” to the end of the subsection substitute “local well-being plan published under section 39 or 44(5) of the [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#) by each public services board for a local authority area in which the Welsh authority exercises functions.”.

#### *Mental Health (Wales) Measure 2010 (nawm 7)*

28 The Mental Health (Wales) Measure 2010 is amended as follows.

29 In section 2 (joint schemes for the provision of local primary mental health support services), after subsection (2) insert—

“(2A) A scheme may be recorded by including it within a local well-being plan published under section 39 or 44(5) of the [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#) by a public services board of which each of the partners is a member.”.

30 Section 11 (amendment of the Children Act 2004) is repealed.

#### *Local Government (Wales) Measure 2011 (nawm 4)*

31 Section 128 of the Local Government Wales Measure 2011 (transitional provision relating to community councils’ powers to promote well-being) is repealed.

#### *Public Audit (Wales) Act 2013 (anaw 3)*

32 In section 23 of the Public Audit (Wales) Act 2013 (general provision about fees), after subsection (3)(c) insert—

“(ca) an examination under section 15 of the [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#) (examinations of public

bodies for the purposes of assessing the extent to which a body has acted in accordance with the sustainable development principle);”.

*Social Services and Well-being (Wales) Act 2014 (anaw 4)*

33 In section 14 of the Social Services and Well-being (Wales) Act 2014 (assessment of needs for care and support, support for carers and preventative services) subsections (3) and (4) are repealed.

34 After that section insert—

**“14A Plans following assessments of needs under section 14**

- (1) In this section, “relevant body” means a local authority or Local Health Board which has carried out a joint assessment under section 14(1).
- (2) Each relevant body must prepare and publish a plan setting out—
  - (a) the range and level of services the body proposes to provide, or arrange to be provided, in response to the assessment of needs under paragraphs (a) to (c) of section 14(1);
  - (b) in the case of a local authority, the range and level of services the authority proposes to provide, or arrange to be provided, in seeking to achieve the purposes in section 15(2) (preventative services);
  - (c) in the case of a Local Health Board, anything the Board proposes to do in connection with its duty under section 15(5) (Local Health Boards to have regard to the importance of preventative action when exercising functions);
  - (d) how the services set out in the plan are to be provided, including the actions the body proposes to take to provide, or arrange to provide, the services through the medium of Welsh;
  - (e) any other action the body proposes to take in response to the assessment under section 14(1);
  - (f) the details of anything the body proposes to do in response to the assessment jointly with another relevant body;
  - (g) the resources to be deployed in doing the things set out in the plan.
- (3) A relevant body’s plan may be published by including it within a local well-being plan published under section 39 or 44(5) of the Well-being of Future Generations (Wales) Act 2015 (the “2015 Act”) by a public services board of which the body is a member.
- (4) A local authority and a Local Health Board who have carried out a joint assessment together under section 14(1) may jointly prepare and publish a plan under subsection (2).
- (5) Two or more local authorities may jointly prepare and publish a plan under subsection (2); but such a joint plan may be published by including it within a local well-being plan only if each local authority is a member of the public services board (see sections 47 and 49 of the 2015 Act (merging of public services boards)).
- (6) A relevant body must submit to the Welsh Ministers—

- (a) any part of a plan it has prepared under subsection (2) which relates to the health and well-being of carers;
  - (b) any other part of such a plan as may be specified by regulations.
- (7) Regulations may make provision about plans prepared and published under subsection (2), including provision—
- (a) specifying when a plan is to be published;
  - (b) about reviewing a plan;
  - (c) about consulting persons when preparing or reviewing a plan;
  - (d) about the monitoring and evaluation of services and other action set out in a plan.”.

*Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (anaw x)*

35 In section 5 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (publication and review of local strategies), after subsection (5) insert—

“(5A) A local strategy or revised strategy may be published by including it within a local well-being plan published under section 39 or 44(5) of the [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#) by a public services board of which both the local authority and the Local Health Board is a member.”.