

Draft Order laid before Parliament under section 95(5) of the Government of Wales Act 2006, following approval by resolution of the National Assembly for Wales.

DRAFT STATUTORY INSTRUMENTS

2008 No.

**CONSTITUTIONAL LAW
DEVOLUTION, WALES**

**The National Assembly for Wales (Legislative
Competence) (Social Welfare) Order 2008**

*Made - - - - []
Coming into force in accordance with Article 1*

At the Court at Buckingham Palace, the day of
Present,
The Queen's Most Excellent Majesty in Council

In accordance with section 95(5) of the Government of Wales Act 2006(1), a draft of this Order has been laid before, and approved by resolution of, the National Assembly for Wales and each House of Parliament.

Accordingly, Her Majesty, in pursuance of section 95(1) of the Government of Wales Act 2006, is pleased, by and with the advice of Her Privy Council, to order as follows:-

Citation and commencement

1. This Order may be cited as the National Assembly for Wales (Legislative Competence)(Social Welfare) Order 2008 and it comes into force on the day after the day on which it is made.

Amendments to Schedule 5 to the Government of Wales Act 2006

2.—(1) Part 1 of Schedule 5 to the Government of Wales Act 2006 is amended in accordance with this article.

(2) In field 15 (social welfare), insert—

“Matter 15.1

Charges levied by local authorities for social care services provided or secured by them and payments in respect of individuals with needs relating to their well-being so that they, or persons looking after them, may secure social care services to meet those needs.

This matter does not include any of the following—

- (a) child support;
- (b) tax credits;
- (c) child benefit and guardian’s allowance;
- (d) social security;
- (e) independent living funds;
- (f) motability.

Interpretation of this field

In this field—

“local authorities” means the councils of counties or county boroughs in Wales;

“social care services” means any of the following provided in connection with the well-being of any person: non-residential care services; advice, counselling or advocacy services; or any other assistance;

“well-being”, in relation to individuals, means well-being so far as relating to any of the following—

- (a) physical and mental health and emotional well-being;
- (b) protection from harm and neglect;
- (c) education, training and recreation;
- (d) the contribution made by them to society;
- (e) social and economic well-being;
- (f) securing their rights.”

Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Government of Wales Act 2006 (“the 2006 Act”). The Order extends the legislative competence of the National Assembly for Wales to make laws known as Measures of the National Assembly for Wales (referred to in the 2006 Act as “Assembly Measures”). The legislative competence conferred by this Order is subject to general limitations on the exercise of that legislative competence, which apply by virtue of section 94 of, and Schedule 5 to, the 2006 Act.

The amendments relate to field 15 (social welfare) in Part 1 of Schedule 5. Article 2(2) inserts matter 15.1 which is about—

- charges for social care services provided or secured by local authorities, and
- direct payments in respect of individuals so they, or persons looking after them, may secure social care services.

The following are expressly excluded from the matter —

- child support,
- tax credits,
- child benefit and guardian’s allowance ,
- social security,
- independent living funds, and
- motability.

A full regulatory impact assessment has not been prepared for this Order as no impact on the private or voluntary sectors is foreseen.