



# Carers (Equal Opportunities) Act 2004

## 2004 CHAPTER 15

An Act to place duties on local authorities and health bodies in respect of carers; and for connected purposes. [22nd July 2004]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### 1 Duty to inform carers of right to assessment

(1) In section 1 of the Carers (Recognition and Services) Act 1995 (c. 12) (assessment of ability of carers to provide care), after subsection (2A) there is inserted—

“(2B) In any case where—

- (a) a local authority are carrying out an assessment mentioned in paragraph (a) of either subsection (1) or subsection (2) above in relation to the relevant person or (as the case may be) a disabled child, and
- (b) it appears to the local authority that an individual may be entitled to request (but has not requested) an assessment under the subsection in question of his ability to provide and to continue to provide care for the relevant person or the disabled child,

the local authority must inform the individual that he may be so entitled before they make their decision as to the needs of the relevant person or the disabled child.”

<sup>F1</sup>(2) .....

#### Annotations:

#### Amendments (Textual)

- F1** S. 1(2) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **213(a)**

*Changes to legislation: There are currently no known outstanding effects for the Carers (Equal Opportunities) Act 2004. (See end of Document for details)*

**Commencement Information**

- I1** S. 1 in force for E. at 1.4.2005 by [S.I. 2005/876](#), **art. 2**
- I2** S. 1 in force for W. at 18.4.2005 by [S.I. 2005/1153](#), **art. 2**

**2 Assessment of carers**

(1) In section 1 of the Carers (Recognition and Services) Act 1995 (c. 12) (assessment of ability of carers to provide care), after subsection (2B) (inserted by section 1) there is inserted—

“(2C) An assessment under subsection (1) or (2) above must include consideration of whether the carer—

- (a) works or wishes to work,
- (b) is undertaking, or wishes to undertake, education, training or any leisure activity.”

<sup>F2</sup>(2) .....

(3) .....

**Annotations:**

**Amendments (Textual)**

- F2** S. 2(2)(3) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **213(b)**

**Commencement Information**

- I3** S. 2 in force for E. at 1.4.2005 by [S.I. 2005/876](#), **art. 2**
- I4** S. 2 in force for W. at 18.4.2005 by [S.I. 2005/1153](#), **art. 2**

**<sup>F3</sup>3 Co-operation between authorities**

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**Annotations:**

**Amendments (Textual)**

- F3** S. 3 omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **213(c)**

**<sup>F4</sup>4 Minor amendment**

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**Annotations:**

**Amendments (Textual)**

- F4** S. 4 omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **213(d)**

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*Changes to legislation: There are currently no known outstanding effects for the Carers (Equal Opportunities) Act 2004. (See end of Document for details)*

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## 5 Financial provision

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of money so provided by virtue of any other Act.

### Annotations:

#### Commencement Information

- I5** S. 5 in force for E. at 1.4.2005 by S.I. 2005/876, art. 2  
**I6** S. 5 in force for W. at 18.4.2005 by S.I. 2005/1153, art. 2

## 6 Short title, commencement and extent

- (1) This Act may be cited as the Carers (Equal Opportunities) Act 2004.
- (2) Apart from this section, this Act comes into force on such day as may be appointed by order made by statutory instrument.
- (3) An order under subsection (2) is to be made—
  - (a) in relation to England, by the Secretary of State, and
  - (b) in relation to Wales, by the National Assembly for Wales.
- (4) Different days may be appointed for different provisions or for different purposes.
- (5) [<sup>F5</sup>The Secretary of State may by order made by statutory instrument provide that section 3 of this Act shall have effect in its application to the Isles of Scilly with such modifications as are specified in the order.]
- (6) [<sup>F5</sup>A statutory instrument containing an order under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]
- (7) This Act extends to England and Wales only.

### Annotations:

#### Amendments (Textual)

- F5** S. 6(5)(6) ceases to have effect (1.4.2015) by virtue of [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\)](#), art. 1(2), **Sch. para. 77** (with arts. 1(3), 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Carers (Equal Opportunities) Act 2004.