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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Paragraph 28. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 5

#### FURTHER AMENDMENTS RELATING TO PART 1

##### PART 1

##### AMENDMENTS OF CARE STANDARDS ACT 2000

- 28 (1) Section 42 of the 2000 Act (power to extend the application of Part 2) is amended as follows.
- (2) In subsection (1), after “(2)” insert “, (2A)”.
- (3) For subsection (2) substitute—
- “ (2) This subsection applies to—
- (a) Welsh local authorities providing services in the exercise of their social services functions, and
- (b) persons who provide services which are similar to services which—
- (i) may or must be so provided by Welsh local authorities, or
- (ii) may or must be provided by Welsh NHS bodies.
- (2A) This subsection applies to—
- (a) English local authorities providing services in the exercise of their social services functions so far as relating to persons aged under 18, and
- (b) persons who provide services which are similar to services which may or must be so provided by English local authorities.”
- (4) In subsection (4), after “(2)” insert “ or (2A)”.
- (5) Omit subsection (5).
- (6) After subsection (5) insert—
- “ (6) For the purposes of this section, functions mentioned in section 135(1)(e) of the Education and Inspections Act 2006 are taken to be social services functions relating to persons aged under 18.
- (7) In this section—
- “cross-border Special Health Authorities” means Special Health Authorities not performing functions only or mainly in respect of England or only or mainly in respect of Wales,
- “English local authorities” means local authorities in England,
- “Welsh local authorities” means local authorities in Wales, and
- “Welsh NHS bodies” means—

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- (a) Local Health Boards,
- (b) National Health Service trusts all or most of whose hospitals, establishments and facilities are situated in Wales,
- (c) Special Health Authorities performing functions only or mainly in respect of Wales, and
- (d) cross-border Special Health Authorities but only so far as their functions are performed in respect of Wales.”

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**Commencement Information**

**II** Sch. 5 para. 28 in force at 1.10.2010 by S.I. 2010/807, art. 2(2), Sch. 1 para. 30 (with Pt. 3)

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