
STATUTORY INSTRUMENTS

2009 No. 580

The Health and Social Care Act 2008 (Commencement
No.9, Consequential Amendments and Transitory,
Transitional and Saving Provisions) Amendment Order 2009

Amendment of the Order

2.—(1) The Order is amended in accordance with this article.

(2) In article 1 (citation, commencement, extent, application and interpretation) insert at the end of paragraph (4) “except that the amendment made by paragraph 2 of Schedule 5 applies in relation to England only”.

(3) In Schedule 5 (minor and consequential amendments), for paragraph 2 substitute—

“2. In Schedule 4 to the National Assistance (Assessment of Resources) Regulations 1992(1) (capital to be disregarded)—

- (a) in paragraph 2(2) for “whom the resident is liable to maintain by virtue of section 42(1) of the National Assistance Act 1948 (liability to maintain wife or husband and children)” substitute “of the resident”; and
- (b) after sub-paragraph (2) insert—

“(3) In this paragraph a reference to a child shall be construed in accordance with section 1 of the Family Law Reform Act 1987(2).”.

(1) [S.I. 1992/2977](#); relevant amending instrument is [S.I. 1993/964](#).

(2) [1987 c.42](#). Section 1 was amended by paragraph 24 of Schedule 6 to the Human Fertilisation and Embryology Act 2008 ([c.22](#)) and by paragraph 51 of Schedule 3 to the Adoption and Children Act 2002 ([c.38](#)).