

## SCHEDULE

### Amendments in consequence of provisions of the Care Act 2014 and the Children and Families Act 2014

#### **Community Care (Delayed Discharges) Act 2003 (c. 5)**

74. For section 16 substitute—

##### **“16 Free provision of services in Wales**

(1) The Welsh Ministers may by regulations require that the provision of any qualifying service of a description prescribed in the regulations is to be free of charge to the person to whom it is provided.

(2) The regulations may (without prejudice to the generality of subsection (1))—

- (a) prescribe circumstances in which a qualifying service is to be provided free of charge; and
- (b) limit the period for which a qualifying service is to be so provided.

(3) In this section “qualifying service” means—

- (a) the provision of accommodation under Part 3 of the National Assistance Act 1948 in pursuance of arrangements made by a local authority in Wales; or
- (b) any service which is provided to a person by, or in pursuance of arrangements made by, a local authority in Wales under an enactment mentioned in subsection (4).

(4) The enactments referred to in subsection (3)(b) are—

- (a) section 29 of the National Assistance Act 1948;
- (b) section 45(1) of the Health Services and Public Health Act 1968;
- (c) section 2 of the Carers and Disabled Children Act 2000.

(5) The regulations may not require any of the following services to be provided free of charge for a period of more than six weeks—

- (a) the provision of accommodation under Part 3 of the National Assistance Act 1948;
- (b) the provision of personal care to a person in any place where that person is living, other than accommodation provided under that Part of that Act;
- (c) a service provided to a carer under section 2 of the Carers and Disabled Children Act 2000 which consists of the provision of personal care delivered to the person cared for (in accordance with subsection (3) of that section).

(6) The regulations may—

- (a) make different provision for different descriptions of qualifying service; and
- (b) make supplementary, consequential, incidental, transitional or saving provision.”