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WELSH STATUTORY INSTRUMENTS

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**2006 No. 2840 (W.256)**

**SOCIAL SERVICES, WALES**

**The Community Care, Services for Carers  
and Children's Services (Direct Payments)  
(Wales) Amendment Regulations 2006**

*Made* - - - - *25 October 2006*  
*Coming into force* - - *1 November 2006*

The National Assembly for Wales, in exercise of the powers conferred by sections 57(1), (3), (6) and (7) and 64(6) of the Health and Social Care Act 2001(1) hereby makes the following Regulations:

**Title, commencement and application**

**1.**—(1) The title of these Regulations is the Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Amendment Regulations 2006 and they come into force on 1 November 2006.

(2) These Regulations apply in relation to Wales.

**Amendments to the 2004 Regulations**

**2.** The Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2004(2) are amended as follows—

(a) in regulation 3—

(i) in paragraph (1) omit the words “and he or she falls within a description in paragraph (2);”;

(ii) omit paragraph (2);

(b) in regulation 5(1) omit the words from “who falls within” to “(2)(b) of that regulation”.

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(1) [2001 c. 15](#). Section 66 of the 2001 Act defines “regulations” as “regulations made by the relevant authority” and “relevant authority” as the National Assembly for Wales in relation to Wales (and the Secretary of State in relation to England). *See* section 57(8) of the 2001 Act for the definition of “prescribed”.

(2) [S.I. 2004/1748](#)

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3)

25 October 2006

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2004 ("the 2004 Regulations").

Regulation 3 of the 2004 Regulations is amended by regulation 2 of these Regulations to provide that all persons for whom Welsh local authorities have decided to provide community care services are prescribed persons for the purposes of the 2004 Regulations.

Regulation 5 of the 2004 Regulations is also amended by regulation 2 of these Regulations with the effect that direct payments must be made by local authorities, instead of the direct provision of services, to all persons prescribed under regulation 3 if such persons have consented to such payments and are not otherwise excluded from receiving them under the 2004 Regulations.