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WELSH STATUTORY INSTRUMENTS

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**2016 No. 211 (W. 84)**

**SOCIAL CARE, ENGLAND AND WALES**

The Social Services and Well-being (Wales)  
Act 2014 (Consequential Amendments)  
(Secondary Legislation) Regulations 2016

<i>Made</i>	- - - -	<i>19 February 2016</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>24 February 2016</i>
<i>Coming into force</i>	- -	<i>6 April 2016</i>

The Welsh Ministers, in exercise of powers conferred by section 198 of the Social Services and Well-being (Wales) Act 2014<sup>(1)</sup> and sections 195(6) and 201 of the Health and Social Care (Community Health and Standards) Act 2003<sup>(2)(3)</sup>, make the following Regulations:

**Title and commencement**

1.—(1) The title of these Regulations is the Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) (Secondary Legislation) Regulations 2016.

(2) These Regulations come into force on 6 April 2016.

**Revocations and disapplication**

2.—(1) The Regulations specified in the first column of Schedule 1 are revoked to the extent specified in relation to each in the third column.

(2) The Regulations specified in the first column of Schedule 2 are disapplied in relation to Wales to the extent specified in relation to each in the third column.

**Consequential amendments**

3. Schedule 3 (which makes amendments consequential upon provisions of the Act) has effect.

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(1) [2014 anaw 4](#).

(2) [2003 c. 43](#).

(3) The functions of the National Assembly for Wales under these sections have been transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act [2006 \(c. 32\)](#).

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### **Savings and transitional provision**

4. Schedule 4 (which makes savings and transitional provision) has effect.

19 February 2016

*Mark Drakeford*  
Minister for Health and Social Services, one of  
the Welsh Ministers

## SCHEDULE 1

Regulation 2(1)

<i>Regulations Revoked</i>	<i>Reference</i>	<i>Extent of Revocation</i>
National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2001	<a href="#">S.I. 2001/276 (W. 12)</a>	The whole Regulations
National Assistance (Assessment of Resources) (Amendment No. 2) (Wales) Regulations 2001	<a href="#">S.I. 2001/1409 (W. 95)</a>	The whole Regulations
Carers (Services) and Direct Payments (Amendment) Regulations 2001	<a href="#">S.I. 2001/2186 (W. 150)</a>	The whole Regulations
Preserved Rights (Transfer of Responsibilities to Local Authorities (Wales) Regulations 2001	<a href="#">S.I. 2001/3985 (W. 326)</a>	The whole Regulations
Children (Leaving Care) (Amendment) (Wales) Regulations 2002	<a href="#">S.I. 2002/1855 (W. 179)</a>	The whole Regulations
Children Act 1989 and the Care Standards Act 2000 (Miscellaneous Regulations)(Amendment) (Wales) (No. 2) Regulations 2002	<a href="#">S.I. 2002/2935 (W. 277)</a>	Regulations 5, 6, 7, 8 and 10
Arrangements for Placement of Children (General)and the Review of Children's Cases (Amendment) (Wales) Regulations 2002	<a href="#">S.I. 2002/3013 (W. 285)</a>	The whole Regulations
National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2003	<a href="#">S.I. 2003/897 (W. 117)</a>	The whole Regulations
National Assistance (Residential Accommodation) (Additional Payments, Relevant Contributions and Assessment of Resources) (Wales) Regulations 2003	<a href="#">S.I. 2003/931 (W. 121)</a>	Regulations 1, 3, 4 and 5
National Assistance (Residential Accommodation) (Disregarding of Resources) (Wales) Regulations 2003	<a href="#">S.I. 2003/969 (W. 131)</a>	The whole Regulations
National Assistance (Assessment of Resources) (Amendment No. 2) (Wales) Regulations 2003	<a href="#">S.I. 2003/2530 (W. 245)</a>	The whole Regulations
National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2004	<a href="#">S.I. 2004/1023 (W. 120)</a>	The whole Regulations

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<i>Regulations Revoked</i>	<i>Reference</i>	<i>Extent of Revocation</i>
Advocacy Services and Representations Procedure (Children) (Wales) Regulations 2004	<a href="#">S.I. 2004/1448 (W. 148)</a>	The whole Regulations
Review of Children's Cases (Amendment) (Wales) Regulations 2004	<a href="#">S.I. 2004/1449 (W. 149)</a>	The whole Regulations
Children (Leaving Care) (Wales) (Amendment) Regulations 2004	<a href="#">S.I. 2004/1732 (W. 175)</a>	The whole Regulations
National Assistance (Assessment of Resources) (Amendment No. 2) (Wales) Regulations 2004	<a href="#">S.I. 2004/2879 (W. 249)</a>	The whole Regulations
National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2005	<a href="#">S.I. 2005/662 (W. 52)</a>	The whole Regulations
Children Act 2004 (Amendment of Miscellaneous Regulations) (Wales) Regulations 2005	<a href="#">S.I. 2005/774 (W. 64)</a>	Regulations 3 and 4
National Assistance (Assessment of Resources) (Amendment No. 2) (Wales) Regulations 2005	<a href="#">S.I. 2005/3288 (W. 251)</a>	The whole Regulations
National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2006	<a href="#">S.I. 2006/1051 (W. 107)</a>	The whole Regulations
Local Safeguarding Children Boards (Wales) Regulations 2006	<a href="#">S.I. 2006/1705 (W. 167)</a>	The whole Regulations, subject to the savings and transitional provision in Schedule 4
Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2006	<a href="#">S.I. 2006/2840 (W. 256)</a>	The whole Regulations
National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2007	<a href="#">S.I. 2007/1041 (W. 101)</a>	The whole Regulations
National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2008	<a href="#">S.I. 2008/743 (W. 78)</a>	The whole Regulations
National Assistance (Assessment of Resources and Sums	<a href="#">S.I. 2009/632 (W. 58)</a>	The whole Regulations

<i>Regulations Revoked</i>	<i>Reference</i>	<i>Extent of Revocation</i>
for Personal Requirements) (Amendment) (Wales) Regulations 2009		
National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2010	<a href="#">S.I. 2010/799 (W. 79)</a>	The whole Regulations
Integrated Family Support Teams (Review of Cases) (Wales) Regulations 2010	<a href="#">S.I. 2010/1700 (W. 161)</a>	The whole Regulations
Visits to Former Looked After Children in Detention (Wales) Regulations 2011	<a href="#">S.I. 2011/699 (W. 106)</a>	The whole Regulations
National Assistance (Assessment of Resources and Sums for Personal Requirements) (Amendment) (Wales) Regulations 2011	<a href="#">S.I. 2011/708 (W. 110)</a>	The whole Regulations
Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2011	<a href="#">S.I. 2011/831 (W. 125)</a>	The whole Regulations
Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011	<a href="#">S.I. 2011/962 (W. 136)</a>	The whole Regulations
Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011	<a href="#">S.I. 2011/963 (W. 137)</a>	The whole Regulations
Social Care Charges (Miscellaneous Amendments) (Wales) Regulations 2011	<a href="#">S.I. 2011/1666 (W. 190)</a>	The whole Regulations
Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) (Amendment) Regulations 2011	<a href="#">S.I. 2011/1667 (W. 191)</a>	The whole Regulations
Carers Strategies (Wales) Regulations 2011	<a href="#">S.I. 2011/2939 (W. 315)</a>	The whole Regulations
Integrated Family Support Teams (Composition of Teams and Board Functions) (Wales) Regulations 2012	<a href="#">S.I. 2012/202 (W. 33)</a>	The whole Regulations

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<i>Regulations Revoked</i>	<i>Reference</i>	<i>Extent of Revocation</i>
Integrated Family Support Teams (Family Support Functions) (Wales) Regulations 2012	<a href="#">S.I. 2012/204 (W. 34)</a>	The whole Regulations
Integrated Family Support Teams (Review of Cases) (Wales) Regulations 2012	<a href="#">S.I. 2012/205 (W. 35)</a>	The whole Regulations
Carers Strategies (Wales) (Amendment) Regulations 2012	<a href="#">S.I. 2012/282 (W. 46)</a>	The whole Regulations
National Assistance (Sums for Personal Requirements) (Assessment of Resources and Miscellaneous Amendments) (Wales) Regulations 2012	<a href="#">S.I. 2012/842 (W. 115)</a>	The whole Regulations
Breaks for Carers of Disabled Children (Wales) Regulations 2012	<a href="#">S.I. 2012/1674 (W. 215)</a>	The whole Regulations
Local Safeguarding Children Boards (Wales) (Amendment) Regulations 2012	<a href="#">S.I. 2012/1712 (W. 222)</a>	The whole Regulations
National Assistance (Sums for Personal Requirements) and National Assistance (Assessment of Resources) (Amendment) (Wales) Regulations 2013	<a href="#">S.I. 2013/631 (W. 68)</a>	The whole Regulations
National Assistance and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2013	<a href="#">S.I. 2013/633 (W. 69)</a>	The whole Regulations
National Assistance (Assessment of Resources) (Miscellaneous Amendments) (Wales) Regulations 2013	<a href="#">S.I. 2013/634 (W. 70)</a>	The whole Regulations
National Assistance (Sums for Personal Requirements) (Assessment of Resources) and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2014	<a href="#">S.I. 2014/666 (W. 73)</a>	The whole Regulations
National Assistance (Sums for Personal Requirements) and Social Care Charges (Wales) (Miscellaneous Amendments) Regulations 2015	<a href="#">S.I. 2015/720 (W. 58)</a>	The whole Regulations
The Children (Secure Accommodation) (Wales) Regulations 2015	<a href="#">S.I. 2015/1988 (W. 298)</a>	Regulation 19

## SCHEDULE 2

Regulation 2(2)

<i>Regulations Disapplied in Reference relation to Wales</i>	<i>Extent of Disapplication</i>
Local Authority Social Services (Complaints Procedure) Order 1990	S.I. 1990/2244 The whole Order as it applies in relation to Wales
Children (Representations, Placements and Reviews) (Miscellaneous Amendments) Regulations 1991	S.I. 1991/2033 The whole Regulations as they apply in relation to Wales
National Assistance (Charges for Accommodation) Regulations 1992	S.I. 1992/563 The whole Regulations as they apply in relation to Wales
National Assistance (Assessment of Resources) Regulations 1992	S.I. 1992/2977 The whole Regulations as they apply in relation to Wales
Residential Accommodation (Determination of District Health Authority) Regulations 1992	S.I. 1992/3182 The whole Regulations as they apply in relation to Wales
Residential Accommodation (Determination of District Health Authority) (Amendment) Regulations 1993	S.I. 1993/582 The whole Regulations as they apply in relation to Wales
National Assistance (Assessment of Resources) (Amendment) Regulations 1993	S.I. 1993/964 The whole Regulations as they apply in relation to Wales
National Assistance (Assessment of Resources) (Amendment No. 2) Regulations	S.I. 1993/2230 The whole Regulations as they apply in relation to Wales
Children (Homes, Arrangements for Placement, Reviews and Representations) (Miscellaneous Amendments) Regulations 1993	S.I. 1993/3069 The whole Regulations as they apply in relation to Wales
National Assistance (Assessment of Resources) (Amendment) Regulations 1994	S.I. 1994/825 The whole Regulations as they apply in relation to Wales
National Assistance (Assessment of Resources) (Amendment No. 2) Regulations 1994	S.I. 1994/2386 The whole Regulations as they apply in relation to Wales
National Assistance (Assessment of Resources) (Amendment) Regulations 1995	S.I. 1995/858 The whole Regulations as they apply in relation to Wales
National Assistance (Assessment of Resources) (Amendment No. 2) Regulations 1995	S.I. 1995/3054 The whole Regulations as they apply in relation to Wales

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<i>Regulations Disapplied in Reference relation to Wales</i>	<i>Extent of Disapplication</i>
National Assistance (Assessment of Resources) (Amendment) Regulations 1996	<a href="#">S.I. 1996/602</a> The whole Regulations as they apply in relation to Wales
National Assistance (Assessment of Resources) (Amendment) Regulations 1997	<a href="#">S.I. 1997/485</a> The whole Regulations as they apply in relation to Wales
Adoption Agencies and Children (Arrangements for Placement and Reviews) (Miscellaneous Amendments) Regulations 1997	<a href="#">S.I. 1997/649</a> Regulations 3 and 4 as they apply in relation to Wales
The Children (Protection from Offenders) (Miscellaneous Amendments) Regulations 1997	<a href="#">S.I. 1997/2308</a> Regulation 5 as it applies in relation to Wales
National Assistance (Assessment of Resources) (Amendment) Regulations 1998	<a href="#">S.I. 1998/497</a> The whole Regulations as they apply in relation to Wales
National Assistance (Assessment of Resources) (Amendment No. 2) Regulations 1998	<a href="#">S.I. 1998/1730</a> The whole Regulations as they apply in relation to Wales
Children Act 1989, Section 17(12) Regulations 2003	<a href="#">S.I. 2003/2077</a> The whole Regulations as they apply in relation to Wales
Children and Family Court Advisory and Support Service (Reviewed Case Referral) Regulations 2004	<a href="#">S.I. 2004/2187</a> The whole Regulations as they apply in relation to Wales
Children and Family Court Advisory and Support Service (Reviewed Case Referral) (Amendment) Regulations 2005	<a href="#">S.I. 2005/605</a> The whole Regulations as they apply in relation to Wales



## SCHEDULE 3

Regulation 3

### PART 1

#### Amendments to secondary legislation referencing primary legislation repealed by the 2014 Act

##### **Local Government (Compensation) Regulations 1974**

1. For point 9 in column 1 of Schedule 2 (persons to whom the regulations apply and the respective compensating authority) to the Local Government (Compensation) Regulations 1974<sup>(4)</sup> substitute the following—

“9. A person employed by a voluntary organisation as defined in section 197 of the Social Services and Well-being (Wales) Act 2014.”.

##### **Fire Services (Compensation) Regulations 1974**

2. For paragraph 8 of the Schedule to the Fire Services (Compensation) Regulations 1974<sup>(5)</sup> substitute the following—

“8. A person employed by a voluntary organisation as defined in section 197 of the Social Services and Well-being (Wales) Act 2014.”.

##### **Police (Compensation) Regulations 1974**

3. For paragraph 8 of the Schedule to the Police (Compensation) Regulations 1974<sup>(6)</sup> substitute the following—

“8. A person employed by a voluntary organisation as defined in section 197 of the Social Services and Well-being (Wales) Act 2014.”.

##### **National Health Service (General Ophthalmic Services) Regulations 1986**

4.—(1) Regulation 13 (sight tests – eligibility) of the National Health Service (General Ophthalmic Services) Regulations 1986<sup>(7)</sup> is amended as follows.

(2) In paragraph (1) for sub-paragraph (e) substitute the following—

“(e) a person who is registered as sight-impaired or severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014;”.

(3) In paragraph (2) after sub-paragraph (k) insert—

“(ka) he is a category 2 young person within the meaning of section 104(2) of the Social Services and Well-being (Wales) Act 2014 to whose maintenance a responsible local authority is contributing under section 109(1) of that Act;”.

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(4) S.I. 1974/463.

(5) S.I. 1974/540, to which there have been amendments not relevant to these Regulations.

(6) S.I. 1974/759, to which there have been amendments not relevant to these Regulations.

(7) S.I. 1986/975; relevant amending instruments are S.I. 1989/395, 2001/3323 (W. 276).

### **Council Tax (Liability for Owners) Regulations 1992**

5. In regulation 2 (classes of chargeable dwellings) of the Council Tax (Liability for Owners) Regulations 1992(8), under the heading “Residential care homes etc.” for paragraph (b) substitute the following—

- “(b) a building or part of a building in which accommodation is provided under section 18 or 19 of the Care Act 2014 or under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (duty and power to meet needs for care and support); or”.

### **National Health Service Pension Scheme Regulations 1995**

6. In paragraph 1 of Schedule 2 (medical and dental practitioners) to the National Health Service Pension Scheme Regulations 1995(9) in the definition of “local authority”—

- (a) at the end of paragraph (a) omit “or”;
- (b) at the end of paragraph (b) for “;” substitute “, or”;
- (c) after paragraph (b) insert the following—
- “(c) a council of a county or county borough in Wales;”.

### **Education (Grants) (Music, Ballet and Choir Schools) Regulations 1995**

7. The Education (Grants) (Music, Ballet and Choir Schools) Regulations 1995(10) are amended as follows.

8. In regulation 4 (references to parents) paragraph (1)(e) after “the Children Act 1989” insert “or section 74(1) of the Social Services and Well-being (Wales) Act 2014”.

9. In paragraph 4 of Part 1 of the Appendix to the Aided Pupil Scheme (computation of income) after “paragraph 16 of that Schedule” insert “or, as the case may be any assistance given by the local authority in cash under section 34(1)(c) and (2) of the Social Services and Well-being (Wales) Act 2014 and any payment made by a local authority under section 96 of that Act.”.

### **Education (Areas to which Pupils and Students Belong) Regulations 1996**

10. In regulation 2 (interpretation) paragraph (1) of the Education (Areas to which Pupils and Students Belong) Regulations 1996(11), in the definition of “child looked after by a local authority” after “the Children Act 1989” insert “or, as the case may be, section 74(1) of the Social Services and Well-being (Wales) Act 2014”.

### **Housing Renewal Grants Regulations 1996**

11. The Housing Renewal Grants Regulations 1996(12) are amended as follows.

12. In regulation 8 (circumstances in which a person is to be treated as responsible or not responsible for another) paragraph (2)(a) after “the Children Act 1989” insert “or, as the case may be, section 81 of the Social Services and Well-being (Wales) Act 2014”.

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(8) S.I. 1992/551; relevant amending instruments are S.I. 2004/2920 (W. 259), 2015/643.

(9) S.I. 1995/300, amended by S.I. 2005/661; there are other amending instruments but none is relevant.

(10) S.I. 1995/2018, to which there are amendments not relevant to these Regulations.

(11) S.I. 1996/615, to which there are amendments not relevant to these Regulations.

(12) S.I. 1996/2890; relevant amending instruments are S.I. 1998/808, 1999/1523, 2001/2073 (W. 145), 2002/2798 (W. 266), 2004/1748 (W. 185), 2006/2801 (W. 240), 2013/235, 2013/3138 (W. 311), 2014/513, 2015/643.

**13.—**(1) Regulation 9 (circumstances in which a person is to be treated as being or not being a member of the household) is amended as follows.

(2) In paragraph (3)(a)—

- (a) after “the Children Act 1989” insert “or, as the case may be, section 81 of the Social Services and Well-being (Wales) Act 2014”;
- (b) for “that Act” substitute “the Children Act 1989”.

(3) In paragraph (3A)(a) after “the Children Act 1989” insert “or, as the case may be, section 81 of the Social Services and Well-being (Wales) Act 2014”.

**14.** In regulation 19 (treatment of childcare charges) paragraph (8)(b)—

- (a) in paragraph (ii) after “in Scotland” insert “or is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014”;
- (b) in paragraph (iii), after “registered as blind” insert “or severely sight-impaired”.

**15.** In paragraph 12(1)(a) of Schedule 1 (applicable amounts), sub-paragraph (v)—

- (a) omit the words from “is blind” to “(welfare services) or”;
- (b) after “(register of sight-impaired adults)” insert “or, as the case may be, in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014”.

**16.—**(1) Paragraph 7 of Schedule 1A (applicable amounts for persons who have attained or whose partner has attained the qualifying age for state pension credit) is amended as follows.

(2) In sub-paragraph (3)—

- (a) after “and that partner is” omit “blind or”;
- (b) after “severely sight-impaired or is treated as” omit “blind or”.

(3) For sub-paragraph (4)(a) substitute the following—

- “(a) a person is severely sight-impaired if they are registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults) or, as the case may be, registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014, and”.

(4) In sub-paragraph (4)(b)—

- (a) after “to be registered as” omit “blind or”;
- (b) after “nevertheless to be treated as” omit “blind or”.

**17.—**(1) Schedule 3 (sums to be disregarded in the determination of income other than earnings) is amended as follows.

(2) In paragraph 23—

- (a) omit “, as the case may be,”;
- (b) after “the Social Work (Scotland) Act 1968” insert “or, as the case may be, section 81 of the Social Services and Well-being (Wales) Act 2014”.

(3) In paragraph 24—

- (a) omit sub-paragraph (d);
- (b) at the end of sub-paragraph (e) omit the full stop and insert “; or”;
- (c) after sub-paragraph (e) insert the following—

“(f) the person concerned where the payment is for provision of accommodation to meet that person’s needs for care and support arranged pursuant to section 35 or 36 of the Social Services and Well-being (Wales) Act 2014.”.

(4) In paragraph 25 after “to certain children” insert “, or section 37 or 38 of the Social Services and Well-being (Wales) Act 2014 but excluding any direct payments under that Act”.

(5) In paragraph 59 after “Health and Social Care Act 2001 (direct payments)” insert “or sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014 (direct payments)”.

**18.**—(1) Schedule 4 (capital to be disregarded) is amended as follows.

(2) In paragraph 19 after “to certain children” insert “, or section 37 or 38 of the Social Services and Well-being (Wales) Act 2014 but excluding any direct payments under that Act”.

(3) In paragraph 44 after “Disabled Persons (Employment) Act 1958” insert “or, as the case may be, under Part 4 of the Social Services and Well-being (Wales) Act 2014”.

### **National Health Service (Optical Charges and Payments) Regulations 1997**

**19.** The National Health Service (Optical Charges and Payments) Regulations 1997(**13**) are amended as follows.

**20.** In regulation 8 (eligibility – supply of optical appliances) after paragraph (3)(k) insert—

“(ka) he is a category 2 young person within the meaning of section 104(2) of the Social Services and Well-being (Wales) Act 2014 to whose maintenance a responsible local authority is contributing under section 109(1) of that Act;”.

**21.** In regulation 22 (signatures and claims for payment) paragraph (1)(c)(i) for “22(1) of the Children Act 1989” substitute “74(1) of the Social Services and Well-being (Wales) Act 2014”.

### **Education (Assisted Places) Regulations 1997**

**22.** The Education (Assisted Places) Regulations 1997(**14**) are amended as follows.

**23.** In regulation 3 (references to parents) paragraph (1)(e) after “the Children Act 1989” insert “or, as the case may be, section 74(1) of the Social Services and Well-being (Wales) Act 2014”.

**24.**—(1) Paragraph 4 of Schedule 1 (computation of income) is amended as follows.

(2) In sub-paragraph (c) after “Schedule 2 to that Act” insert “or, as the case may be, section 37 or 38 of the Social Services and Well-being (Wales) Act 2014”.

(3) For sub-paragraph (d) substitute the following—

“(d) any payment made by a local authority under paragraph 16 of Schedule 2 to the Children Act 1989 or, as the case may be, under section 96 of the Social Services and Well-being (Wales) Act 2014.”.

### **Secure Training Centre Rules 1998**

**25.** The Secure Training Centre Rules 1998(**15**) are amended as follows.

**26.** In rule 27 (regime activities) paragraph (4)(b) after “the Children Act 1989” insert “or, as the case may be, section 74(1) of the Social Services and Well-being (Wales) Act 2014”.

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(13) S.I. 1997/818; relevant amending instruments are S.I. 2001/3323 (W. 276), 2003/955 (W. 129).

(14) S.I. 1997/1968, to which there are amendments not relevant to these Regulations.

(15) S.I. 1998/472, amended by S.I. 2003/3005.

27. In rule 30 (after care) paragraph (1) after “the Children Act 1989” insert “or, as the case may be, section 74(1) of the Social Services and Well-being (Wales) Act 2014”.

### **Education (Publication of Local Authority Inspection Reports) Regulations 1998**

28. In regulation 4(1)(k) of the Education (Publication of Local Authority Inspection Reports) Regulations 1998(16) after “section 6(1) of the Local Authority Social Services Act 1970” insert “or in Wales, under section 144(1) of the Social Services and Well-being (Wales) Act 2014”.

### **Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000**

29. In regulation 4 (descriptions of disabled persons) paragraph (2)(c) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000(17)—

- (a) omit “blind under section 29(4)(g) of the National Assistance Act 1948 or”;
- (b) after “(registers of sight-impaired adults)” insert “or, in Wales, section 18(1) of the Social Services and Well-being (Wales) Act 2014”;
- (c) for “that Act” substitute “the National Assistance Act 1948”.

### **Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000**

30. In regulation 4 (descriptions of disabled persons) paragraph (2)(c) of the Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000(18)—

- (a) for the words from “is registered as” to “1948”, substitute “is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014”;
- (b) for “that Act” substitute “the National Assistance Act 1948”.

### **National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000**

31. The National Health Service Bodies and Local Authorities Partnership Arrangements (Wales) Regulations 2000(19) are amended as follows.

32.—(1) Regulation 6 (health related functions of local authorities) is amended as follows.

(2) In paragraph (a)—

- (a) for “Schedule 1 to the Local Authorities Social Services Act 1970” substitute “Schedule 2 to the Social Services and Well-being (Wales) Act 2014”;
- (b) for sub-paragraph (i) substitute the following—
  - “(i) sections 34(1)(a) (in so far as it relates to meeting the care and support needs of an adult), 59, 63, 66, 70(5), 121, 144, 171 and 172 of the Social Services and Well-being (Wales) Act 2014;”;
- (c) omit sub-paragraph (ii);
- (d) at the end of sub-paragraph (iv) insert “and”;
- (e) omit sub-paragraph (v) (together with the “and” immediately after it);
- (f) in sub-paragraph (vi) omit “and section 86”.

(16) S.I. 1998/880, to which there are amendments not relevant to these Regulations.

(17) S.I. 2000/682, amended by S.I. 2015/643; there are other amending instruments but none is relevant.

(18) S.I. 2000/1786 (W. 123), to which there are amendments not relevant to these Regulations.

(19) S.I. 2000/2993 (W. 193), amended by S.I. 2010/1142 (W. 101); there are other amending instruments but none is relevant.

(3) In paragraph (b) for “sections 7 or 8” substitute “section 7”.

(4) After paragraph (b) insert the following—

“(ba) the functions under Parts 3 and 4 of the Social Services and Well-being (Wales) Act 2014 in so far as they relate to the duty to assess and meet the needs of disabled carers in relation to the carer’s ability to provide care;”.

**33.** In regulation 10 (supplementary) paragraph (3) for “section 7B of the Local Authorities Social Services Act 1970” substitute “sections 171 and 172 of the Social Services and Well-being (Wales) Act 2014”.

### **Representation of the People (England and Wales) Regulations 2001**

**34.** The Representation of the People (England and Wales) Regulations 2001<sup>(20)</sup> are amended as follows.

**35.** In regulation 31J (anonymous registration: evidence by attestation), paragraph (4)(h) for “section 6(1) of the Local Authority Social Services Act 1970” substitute “section 144 of the Social Services and Well-being (Wales) Act 2014”.

**36.**—(1) Regulation 53 (additional requirement for applications for a proxy vote for a definite or indefinite period on grounds of blindness or any other disability) is amended as follows.

(2) In paragraph (5)—

(a) in sub-paragraph (a) for “blindness” substitute “severe sight-impairment”;

(b) for sub-paragraph (a)(i) substitute the following—

“(i) a severely sight-impaired person in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014; or”.

(3) In paragraph (6)—

(a) omit the words from “with a local authority” to “or registered”;

(b) after “(registers of sight-impaired adults)” insert “or in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014”.

**37.** In the heading for “blindness” substitute “severe sight-impairment”.

### **Education (Grants) (Music, Ballet and Choir Schools) (England) Regulations 2001**

**38.** In regulation 4 (references to parents) of the Education (Grants) (Music, Ballet and Choir Schools) (England) Regulations 2001<sup>(21)</sup> in paragraph (1)(e), after “Children Act 1989” insert “or, as the case may be, section 74(1) of the Social Services and Well-being (Wales) Act 2014”.

### **Education (Special Education Needs) (Wales) Regulations 2002**

**39.** The Education (Special Education Needs) (Wales) Regulations 2002<sup>(22)</sup> are amended as follows.

**40.** In regulation 12 (time limits and prescribed information) paragraph (7A) for “Local Authority Social Services Act 1970” substitute “Social Services and Well-being (Wales) Act 2014”.

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<sup>(20)</sup> S.I. 2001/341; relevant amending instruments are S.I. 2006/2910, 2009/725, 2015/643.

<sup>(21)</sup> S.I. 2001/2743, to which there are amendments not relevant to these Regulations.

<sup>(22)</sup> S.I. 2002/152 (W. 20), amended by S.I. 2010/1142 (W. 101); there are other amending instruments but none is relevant.

41. In regulation 24 (restrictions on disclosure of statements), for paragraph (1)(h) substitute the following—

- “(h) for the purposes of a local authority in the performance of their duties under sections 78(1)(a), 120(5)(a) and 121(3)(a) of the Social Services and Well-being (Wales) Act 2014 and section 87(3) of the Children Act 1989;”.

#### **Police Act 1997 (Criminal Records) Regulations 2002**

42. The Police Act 1997 (Criminal Records) Regulations 2002(23) are amended as follows.

43. In regulation 2 (interpretation) for the definition of “social services functions” substitute the following—

““social services functions”—

- (a) in relation to a local authority in England, has the same meaning as in the Local Authority Social Services Act 1970, and
- (b) in relation to a local authority in Wales, has the same meaning as in the Social Services and Well-being (Wales) Act 2014;”.

44. In regulation 5B (work with adults) for paragraph (1)(e)(i) substitute the following—

- “(i) a local authority (within the meaning of section 197 of the Social Services and Well-being (Wales) Act 2014) in the exercise of its social services functions (within the meaning of that Act);”.

#### **Care Homes (Wales) Regulations 2002**

45. In regulation 2 (interpretation) paragraph (1) of the Care Homes (Wales) Regulations 2002(24)—

- (a) in the English text, for the definition of “fostering arrangements” substitute the following

—

““fostering arrangements” (“*trefniadau maethu*”) means arrangements made by, or on behalf of, a local authority under section 81 of the Social Services and Well-being (Wales) Act 2014 or by a voluntary organisation under section 59(1)(a) of the Children Act 1989, or arrangements made by a local authority or voluntary organisation under legislation similar to section 81 of the Social Services and Well-being (Wales) Act 2014 or (as the case may be) section 59(1)(a) of the Children Act 1989;” and

- (b) in the Welsh text insert in the appropriate place—

“ystyr “*trefniadau maethu*” (“*fostering arrangements*”) yw trefniadau a wneir gan awdurdod lleol neu ar ei ran o dan adran 81 o Ddeddf Gwasanaethu Cymdeithasol a Llesiant (Cymru) 2014 neu gan sefydliad gwirfoddol o dan adran 59(1)(a) o Ddeddf Plant 1989, neu drefniadau a wneir gan awdurdod lleol neu sefydliad gwirfoddol o dan ddeddfwriaeth sy’n debyg i adran 81 o Ddeddf Gwasanaethu Cymdeithasol a Llesiant (Cymru) 2014 neu (yn ôl y digwydd) adran 59(1)(a) o Ddeddf Plant 1989;”.

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(23) S.I. 2002/233, amended by S.I. 2013/1194; there are other amending instruments but none is relevant.

(24) S.I. 2002/324 (W. 37), to which there have been amendments not relevant to these Regulations.

### **Children’s Homes (Wales) Regulations 2002**

46. In regulation 15 (contact and access to communications) of the Children’s Homes (Wales) Regulations 2002(25), in paragraph (2)(e), after “visitor for the child under” insert “section 98 of the Social Services and Well-being (Wales) Act 2014 or”.

### **Education Standards Grants (Wales) Regulations 2002**

47. In paragraph 5(f) of the Schedule (purposes for or in connection with which grants are payable) to the Education Standards Grants (Wales) Regulations 2002(26) after “within the meaning of” insert “the Social Services and Well-being (Wales) Act 2014 or”.

### **Homelessness (Priority Need for Accommodation) (England) Order 2002**

48. The Homelessness (Priority Need for Accommodation) (England) Order 2002(27) is amended as follows.

49. In article 1 (citation, commencement and interpretation) paragraph (3)—

- (a) in the definition of “looked after, accommodated or fostered”, after “the Children Act 1989” insert “or, as the case may be, section 104(3) of the Social Services and Well-being (Wales) Act 2014”;
- (b) in the definition of “relevant student” for “that Act” substitute “the Children Act 1989 or, as the case may be, section 114(5) or 115(6) of the Social Services and Well-being (Wales) Act 2014”.

50.—(1) Article 3 (children aged 16 or 17) is amended as follows.

(2) In paragraph (1) after “the Children Act 1989” insert “or, as the case may be, is not a category 2 young person within the meaning of section 104(2) of the Social Services and Well-being (Wales) Act 2014”.

(3) In paragraph (2) after “children in need” insert “or, as the case may be, section 76 of the Social Services and Well-being (Wales) Act 2014 (accommodation for children without parents or who are lost or abandoned etc)”.

### **Land Registration Rules 2003**

51. The Land Registration Rules 2003(28) are amended as follows.

52. In rule 93 (persons regarded as having a sufficient interest to apply for a restriction) paragraph (x), after “Health and Social Services and Social Security Adjudications Act 1983” insert “or, as the case may be, under the terms of a deferred payment agreement within the meaning of section 68(2) of the Social Services and Well-being (Wales) Act 2014”.

53. In Schedule 4 (standard forms of restriction) under the heading “Form MM” in each place where it occurs, after “Health and Social Services and Social Security Adjudications Act 1983” insert “or under the terms of a deferred payment agreement within the meaning of section 68(2) of the Social Services and Well-being (Wales) Act 2014”.

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(25) [S.I. 2002/327 \(W. 40\)](#), to which there have been amendments not relevant to these Regulations.

(26) [S.I. 2002/438 \(W. 56\)](#).

(27) [S.I. 2002/2051](#).

(28) [S.I. 2003/1417](#), amended by [S.I. 2008/1919](#); there are other amending instruments but none is relevant.



### **Education (Mandatory Awards) Regulations 2003**

54. The Education (Mandatory Awards) Regulations 2003(29) are amended as follows.

55. In Schedule 2 (requirements), paragraph 12(1), the definition of “income” is amended as follows—

- (a) in paragraph (e) after “the Children Act 1989” insert “or, as the case may be, section 81 of the Social Services and Well-being (Wales) Act 2014”;
- (b) in paragraph (f) after “section 24 of that Act,” insert “or section 104 of the Social Services and Well-being (Wales) Act 2014 in so far as that section applies to category 5 and 6 young persons within the meaning of that Act”.

56. In Schedule 3 (resources) paragraph 1(1) is amended as follows—

- (a) in paragraph (m) after “the Children Act 1989” insert “or, as the case may be, section 81 of the Social Services and Well-being (Wales) Act 2014”;
- (b) in paragraph (n) after “section 24 of that Act” insert “, or section 104 of the Social Services and Well-being (Wales) Act 2014 in so far as that section applies to category 5 and 6 young persons within the meaning of that Act”.

### **Education (Admission Forums) (Wales) Regulations 2003**

57. In regulation 3 (role of a forum) paragraph (2)(b) of the Education (Admission Forums) (Wales) Regulations 2003(30) for “section 22 of the Children Act 1989” substitute “section 74 of the Social Services and Well-being (Wales) Act 2014”.

### **Independent Schools (Provision of Information) (Wales) Regulations 2003**

58. In regulation 2 (interpretation) paragraph (1) of the Independent Schools (Provision of Information) Regulations 2003(31), in the definition of “looked after by a local authority”, after “the Children Act 1989” insert “or, as the case may be, section 74(1) of the Social Services and Well-being (Wales) Act 2014”.

### **National Health Service (General Medical Services Contracts) (Wales) Regulations 2004**

59. In paragraph 95 (co-operation with investigations) sub-paragraph (2) of Schedule 6 to the National Health Service (General Medical Services Contracts) (Wales) Regulations 2004(32) in the definition of “local authority”—

- (a) at the end of paragraph (b) omit “or”;
- (b) at the end of paragraph (c) omit the full stop and insert “, or”;
- (c) after paragraph (c) insert the following—
  - “(d) a council of a county or county borough in Wales.”.

### **Children and Family Court Advisory and Support Service (Reviewed Case Referral) Regulations 2004**

60. In regulation 2 (interpretation) of the Children and Family Court Advisory and Support Service (Reviewed Case Referral) Regulations 2004(33) in the definition of “referral”, after “the

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(29) S.I. 2003/1994, amended by S.I. 2005/2083; there are other amending instruments but none is relevant.

(30) S.I. 2003/2962 (W. 279), to which there are amendments not relevant to these Regulations.

(31) S.I. 2003/3230 (W. 310), amended by S.I. 2007/947 (W. 81); there are other amending instruments but none is relevant.

(32) S.I. 2004/478 (W. 48), to which there are amendments not relevant to these Regulations.

(33) S.I. 2004/2187, to which there are amendments not relevant to these Regulations.

Children Act 1989” insert “or, in Wales, a referral made under section 100(3) of the Social Services and Well-being (Wales) Act 2014”.

### **Adoption Support Services (Local Authorities) (Wales) Regulations 2005**

**61.** In regulation 2 (interpretation) paragraph (2)(a) of the Adoption Support Services (Local Authorities) (Wales) Regulations 2005<sup>(34)</sup> for “the Children Act 1989” substitute “the Social Services and Well-being (Wales) Act 2014”.

### **Special Guardianship (Wales) Regulations 2005**

**62.** The Special Guardianship (Wales) Regulations 2005<sup>(35)</sup> are amended as follows.

**63.**—(1) Regulation 13 (relevant authority for the purposes of sections 24(5)(za) of the Act) is amended as follows.

(2) For “section 24(5)(za) of the Act (persons qualifying for advice and assistance)” substitute “section 104(5)(c) of the Social Services and Well-being (Wales) Act 2014 (young persons entitled to support under sections 105 to 115)”.

(3) In the heading for “sections 24(5)(za) of the Act” substitute “section 104(5)(c) of the Social Services and Well-being (Wales) Act 2014”.

**64.**—(1) Regulation 14 (functions specified under section 26(3C) of the Act) is amended as follows.

(2) For “section 26(3C) of the Act (review of cases and inquiries into representations — special guardianship support services)” substitute “section 174(1)(b) and (4) of the Social Services and Well-being (Wales) Act 2014 (representations relating to certain children etc)”.

(3) In the heading for “section 26(3C) of the Act” substitute “section 174(1)(b) and (4) of the Social Services and Well-being (Wales) Act 2014”.

### **Education (School Inspection) (England) Regulations 2005**

**65.** In regulation 2 (interpretation) paragraph (1) of the Education (School Inspection) (England) Regulations 2005<sup>(36)</sup> after “section 22 of the Children Act 1989” insert “or, as the case may be, section 74 of the Social Services and Well-being (Wales) Act 2014”.

### **National Health Service (General Dental Services Contracts) Regulations 2005**

**66.** In paragraph 51 (co-operation with investigations) sub-paragraph (2) of Schedule 3 to the National Health Service (General Dental Services Contracts) Regulations 2005<sup>(37)</sup> in the definition of “local authority”—

- (a) at the end of paragraph (b) omit “or”;
- (b) at the end of paragraph (c) insert “or”;
- (c) after paragraph (c) insert the following—

“(d) a council of a county or county borough in Wales;”.

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<sup>(34)</sup> S.I. 2005/1512 (W. 116), to which there are amendments not relevant to these Regulations.

<sup>(35)</sup> S.I. 2005/1513 (W. 117), to which there are amendments not relevant to these Regulations.

<sup>(36)</sup> S.I. 2005/2038, to which there are amendments not relevant to these Regulations.

<sup>(37)</sup> S.I. 2005/3361, amended by S.I. 2009/309; there are other amending instruments but none is relevant.

### **National Health Service (Personal Dental Services Agreements) Regulations 2005**

67. In paragraph 51 (co-operation with investigations) sub-paragraph (2) of Schedule 3 to the National Health Service (Personal Dental Services Agreements) Regulations 2005(38) in the definition of “local authority”—

- (a) at the end of paragraph (b) omit “or”;
- (b) at the end of paragraph (c) insert “or”;
- (c) after paragraph (c) insert the following—
  - “(d) a council of a county or county borough in Wales;”.

### **National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006**

68. In paragraph 51 (co-operation with investigations) sub-paragraph (2) of Schedule 3 to the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006(39) in the definition of “local authority”—

- (a) at the end of paragraph (b) omit “or”;
- (b) at the end of paragraph (c) for the full stop substitute “, or”;
- (c) after paragraph (c) insert the following—
  - “(d) the council of a county or county borough in Wales.”.

### **National Health Service (General Dental Services Contracts) (Wales) Regulations 2006**

69. In paragraph 51 (co-operation with investigations) sub-paragraph (2) of Schedule 3 to the National Health Service (General Dental Services Contracts) (Wales) Regulations 2006(40) in the definition of “local authority”—

- (a) at the end of paragraph (b) omit “or”;
- (b) at the end of paragraph (c) for the full stop substitute “, or”;
- (c) after paragraph (c) insert the following—
  - “(d) a council of a county or county borough in Wales.”.

### **Staffing of Maintained Schools (Wales) Regulations 2006**

70. In regulation 7A (independent investigator) of the Staffing of Maintained Schools (Wales) Regulations 2006(41) in paragraphs (3)(b), (5)(a) and (5)(c)(i) for “guidance issued under section 7 of the Local Authority Social Services Act 1970” substitute “a code issued under section 145 of the Social Services and Well-being (Wales) Act 2014”.

### **Public Services Ombudsman for Wales (Standards Investigations) Order 2006**

71. The Public Services Ombudsman for Wales (Standards Investigations) Order 2006(42) is amended as follows.

(38) S.I. 2005/3373, amended by S.I. 2009/309; there are other amending instruments but none is relevant.

(39) S.I. 2006/489 (W. 58), to which there are amendments not relevant to these Regulations.

(40) S.I. 2006/490 (W. 59), to which there are amendments not relevant to these Regulations.

(41) S.I. 2006/873 (W. 81), amended by S.I. 2014/1609 (W. 165); there are other amending instruments but none is relevant.

(42) S.I. 2006/949 (W. 98). The amendment to Schedule 2 arises in consequence of the insertion of Part 2A into the Public Services Ombudsman (Wales) Act 2005 (c. 10), by paragraph 2 of Schedule 3 to the Social Services and Well-being (Wales) Act 2014. The amendment to Schedule 3 arises in consequence of the repeal of section 26 of the Public Services Ombudsman (Wales) Act 2014 in paragraph 25 of Schedule 3 to the Social Services and Well-being (Wales) Act 2014.

72. In Schedule 2 (application of provisions of the 2000 Act with modifications) paragraph 5, for sub-paragraph (c) substitute the following—

“(c) after paragraph (f), the following paragraph is inserted—

“(g) the disclosure is for the purposes of an investigation or report of an investigation under Part 2 or Part 2A of the Public Services Ombudsman (Wales) Act 2005.”(43).”

73. In Schedule 3 (application of provisions of the 2005 Act with modifications) paragraph 1—

(a) for “Section 26(2)” substitute “Section 34X(2)”;

(b) in the heading, for “Section 26(2)” substitute “Section 34X(2)”.

### **Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006**

74. The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006(44) are amended as follows.

75. In Schedule 1 (offence of failing to remove dog faeces) paragraph 1(3) and Schedule 4 (offence of permitting a dog to enter land from which it is excluded) paragraph 1(3), after “the National Assistance Act 1948” insert “or a person who is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014”.

### **Education (Schools Inspection) (Wales) Regulations 2006**

76. In regulation 4 (interpretation: part 2) paragraph (2) of the Education (Schools Inspection) (Wales) Regulations 2006(45) after “the same meaning as in section” insert “74(1) of the Social Services and Well-being (Wales) Act 2014 or, as the case may be section”.

### **Criminal Defence Service (Financial Eligibility) Regulations 2006**

77. In paragraph (b) of the definition of “gross annual income” in regulation 2(1) (interpretation) of the Criminal Defence Service (Financial Eligibility) Regulations 2006(46)—

(a) after “the Health and Social Care Act 2001 (direct payments)” for “or” substitute “,”;

(b) after “(personal budgets and direct payments)” insert “or sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014”.

### **National Assembly for Wales (Representation of the People) Order 2007**

78. The National Assembly for Wales (Representation of the People) Order 2007(47) is amended as follows.

79. In article 8 (absent vote at assembly elections for a particular or an indefinite period) paragraph (2) for “blindness” substitute “severe sight-impairment”.

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(43) Paragraph 5 of Schedule 2 to the Public Services Ombudsman for Wales (Standards Investigations) Order 2006 makes modifications to section 63 of the Local Government Act 2000 (c. 22) for the purposes of investigations under section 69 of that Act. Section 63 was repealed, subject to savings provisions, by Schedule 4 of the Localism Act 2011 (c. 20) and that repeal was commenced on 31 January 2012 by the Localism Act 2011 (Commencement No. 2 and Transitional and Saving Provision) Order 2012/57. Section 70(2)(a) of the Local Government Act 2000 permits Orders made under section 70(1) to apply or reproduce, with or without modifications, “any provisions of sections 60 to 63 as those sections had effect immediately before their repeal by the Localism Act 2011”.

(44) S.I. 2006/1059.

(45) S.I.2006/1714 (W. 176), to which there are amendments not relevant to these Regulations.

(46) S.I. 2006/2492, amended by S.I. 2015/838; there are other amending instruments but none is relevant.

(47) S.I. 2007/236, to which there are amendments not relevant to these Regulations.

**80.**—(1) Schedule 1 (absent voting at assembly elections) is amended as follows.

(2) For paragraph 4(5)(a) (additional requirements for applications on grounds of blindness or other disability) substitute the following—

“(a) the application is based on the applicant’s severe sight-impairment and the applicant is registered, in a register kept under section 18(1) of the Social Services and Well-being (Wales) Act 2014, as a severely sight-impaired person, by the local authority which is specified in the application; or”.

(3) For paragraph 4(7) substitute the following—

“(7) The fact that an applicant is registered as severely sight-impaired by a local authority in Wales in a register kept under section 18(1) of the Social Services and Well-being (Wales) Act 2014 shall be deemed sufficient evidence that the applicant is eligible for an absent vote on the grounds set out in article 8(2)(c).”.

(4) In the heading to paragraph 4 for “blindness” substitute “severe sight-impairment”.

(5) In paragraph 11(1)(b) for “blindness” substitute “severe sight-impairment”.

**81.**—(1) Schedule 5 (assembly election rules) is amended as follows.

(2) In paragraph 47 (votes marked by presiding officer) sub-paragraph (1)(a) for “blindness” substitute “severe sight-impairment”.

(3) In paragraph 48 (voting by persons with disabilities) sub-paragraph (1), in both places where it occurs, for “blindness” substitute “severe sight-impairment”.

### **Dog Control Orders (Miscellaneous Provisions) (Wales) Regulations 2007**

**82.** The Dog Control Orders (Miscellaneous Provisions) (Wales) Regulations 2007(48) are amended as follows.

**83.**—(1) Schedule 1 (offence of failing to remove dog faeces) is amended as follows.

(2) In paragraph 1(3) for the words from “as a blind person” to “the National Assistance Act 1948” substitute “as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014”.

(3) In paragraph 3, for article 3(2)(a) of the Form of Order substitute the following—

“(a) is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014; or”.

**84.**—(1) Schedule 4 (offence of permitting a dog to enter land from which it is excluded) is amended as follows.

(2) In paragraph 1(3) for the words from “as a blind person” to “the National Assistance Act 1948” substitute “as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014”.

(3) In paragraph 3, for article 3(2)(a) of the Form of Order substitute the following—

“(a) is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014; or”.

## **Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (Wales) Regulations 2007**

**85.** In regulation 9 (adult protection cases) paragraph (5) of the Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (Wales) Regulations 2007<sup>(49)</sup> for “guidance issued under section 7 of the Local Authority Social Services Act 1970.” substitute “a code issued under section 145 of the Social Services and Well-being (Wales) Act 2014.”.

## **National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007**

**86.** The National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007<sup>(50)</sup> are amended as follows.

**87.** Regulation 2 (interpretation) paragraph (a) of the definition of “capital limit” is amended as follows—

- (a) for “sections 21 to 24 and 26 of the National Assistance Act 1948” substitute “section 35 or 36 of the Social Services and Well-being (Wales) Act 2014”;
- (b) for “section 22(5)” substitute “section 61”.

**88.** Regulation 5 (entitlement to full remission and payment) paragraph (2) is amended as follows—

- (a) for sub-paragraph (a)(ii) substitute the following—
  - “(ii) accommodation provided by a local authority under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (duty and power to meet care and support needs of an adult),”;
- (b) after sub-paragraph (d) insert—
  - “(da) a category 2 young person within the meaning of section 104(2) of the Social Services and Well-being (Wales) Act 2014 for whom a responsible local authority is providing support under section 109(1) of that Act;”.

**89.** Table B in Schedule 1 (modifications of the Income Support (General) Regulations 1987) is amended as follows.

**90.** In the modification of regulation 18, for paragraph (b) of regulation 19A (care homes) substitute the following—

- “(b) in accommodation to meet the care and support needs of an adult under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (duty and power to meet care and support needs of an adult),”.

**91.** In the modification of paragraph 4 of Schedule 3 for the words from “accommodation provided” to “the National Assistance Act” substitute “in accommodation provided to meet the care and support needs of an adult under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (duty and power to meet care and support needs of an adult)”.

**92.—(1)** In the modification of Schedule 7, paragraph 9 is amended as follows.

(2) For sub-paragraph (a)(ii) substitute the following—

- “(ii) is in accommodation provided to meet the care and support needs of an adult under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (duty and power to meet care and support needs of an adult).”

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<sup>(49)</sup> S.I. 2007/852 (W. 77), to which there are amendments not relevant to these Regulations.

<sup>(50)</sup> S.I. 2007/1104 (W. 116), amended by S.I. 2009/54 (W. 18); there are other amending instruments but none is relevant.

(3) For sub-paragraph (b)(iv) substitute the following—

“(iv) is in accommodation provided to meet the care and support needs of an adult under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (duty and power to meet care and support needs of an adult).”.

**93.** In paragraph 10ZA of the modifications to Schedule 7, for the words from “accommodation provided” to “the National Assistance Act 1948” substitute “is in accommodation provided by a local authority to meet the care and support needs of an adult under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (duty and power to meet care and support needs of an adult)”.

### **Local Authority Adoption Service (Wales) Regulations 2007**

**94.** The Local Authority Adoption Service (Wales) Regulations 2007(**51**) are amended as follows.

**95.** In regulation 2 (interpretation) paragraph (1)—

- (a) omit the definition of “Local Safeguarding Children Board”, and
- (b) in the appropriate place insert—

““Safeguarding Children Board” (“*Bwrdd Diogelu Plant*”) means a board established under section 134 of the Social Services and Well-being (Wales) Act 2014;”.

**96.** In regulation 14 (arrangements for the protection of children) paragraph (c) omit “Local”.

**97.** In paragraph 10 of Schedule 1 (information to be included in the statement of purpose) for “section 114 of the Health and Social Care (Community Health and Standards) Act 2003” substitute “sections 171 and 172 of the Social Services and Well-being (Wales) Act 2014”.

**98.** In paragraph 4 of Schedule 2 (information to be included in the Children’s guide) for the words from “section 26 of the Children Act 1989” to the end, substitute “sections 171, 172 or 174 of the Social Services and Well-being (Wales) Act 2014”.

### **Assembly Learning Grant (Further Education) Regulations 2007**

**99.** In regulation 13 (independent eligible student) paragraph (1)(f) of the Assembly Learning Grant (Further Education) Regulations 2007(**52**), after “within the meaning of” insert “section 74 of the Social Services and Well-being (Wales) Act 2014 or”.

### **Education (School Performance Information) (England) Regulations 2007**

**100.** In regulation 2 (interpretation) paragraph (1) of the Education (School Performance Information) (England) Regulations 2007(**53**), in the definition of “a child looked after by a local authority” after “the Children Act 1989” insert “or, as the case may be, section 74 of the Social Services and Well-being (Wales) Act 2014”.

### **Education (Information About Individual Pupils) (Wales) Regulations 2007**

**101.** In regulation 3 (interpretation) of the Education (Information About Individual Pupils) (Wales) Regulations 2007(**54**), in the definition of “child looked after by a local authority” after

(51) S.I. 2007/1357 (W. 128); relevant amending instruments are S.I. 2014/1794 (W. 187), 2014/1795 (W. 188).

(52) S.I. 2007/2314 (W. 185), to which there are amendments not relevant to these Regulations.

(53) S.I. 2007/2324, to which there are amendments not relevant to these Regulations.

(54) S.I. 2007/3562 (W. 312), to which there are amendments not relevant to these Regulations.

“assigned to it by section” insert “74(1) of the Social Services and Well-being (Wales) Act 2014 or, as the case may be, section”.

### **National Health Service Pension Scheme Regulations 2008**

**102.** In Part 3 (benefits for practitioners etc.) regulation 3.A.1(interpretation of Part 3: general) of the National Health Service Pension Scheme Regulations 2008<sup>(55)</sup>, in the definition of “local authority”—

- (a) at the end of paragraph (a) omit “or”;
- (b) at the end of paragraph (b) insert “or”;
- (c) after paragraph (b) insert the following—
  - “(c) the council of a county or county borough in Wales;”.

### **Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008**

**103.** In regulation 5 (prescribed descriptions of information) paragraph (3) of the Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008<sup>(56)</sup>, in the definition of “social services functions” after “the Local authority Social Services Act 1970” insert “or, as the case may be, the Social Services and Well-being (Wales) Act 2014”.

### **Family Proceedings Fees Order 2008**

**104.**—(1) The table in paragraph 1 of Schedule 1 (fees to be taken) to the Family Proceedings Fees Order 2008<sup>(57)</sup> is amended as follows.

(2) At point 2, after “Children Act 1989” insert “or, where specified, the Social Services and Well-being (Wales) Act 2014”.

(3) At point 2.1 after “Children Act 1989” insert “or, where specified, the Social Services and Well-being (Wales) Act 2014”.

(4) After point 2.1(i) insert in columns 1 and 2 respectively—

“(ia) section 119 of the Social Services and Well-being (Wales) Act 2014 (secure accommodation order); £215”.

(5) After point 2.1(w) insert in columns 1 and 2 respectively—

“(wa) section 124(1) of the Social Services and Well-being (Wales) Act 2014 (approval of court for child in care of local authority to live abroad); £215”.

(6) In the “Notes to fees 2.1 and 2.2” in both places where it appears, after “Children Act 1989” insert “or, where specified, the Social Services and Well-being (Wales) Act 2014”.

(7) After point 2.4 insert in columns 1 and 2 respectively—

“**2.5.** On commencing appeal under paragraph 3(11) of Schedule 1 to the Social Services and Well-being (Wales) Act 2014 (appeal against contribution order). £215”.

(8) In the “Notes” at point 4.1, after “Children Act 1989” insert “or, where specified, the Social Services and Well-being (Wales) Act 2014”.

(9) In the “Notes” to fee 5.1, after “Children Act 1989” insert “or, where specified, under the Social Services and Well-being (Wales) Act 2014”.

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<sup>(55)</sup> S.I. 2008/653, to which there are amendments not relevant to these Regulations.

<sup>(56)</sup> S.I. 2008/976, to which there are amendments not relevant to these Regulations.

<sup>(57)</sup> S.I. 2008/1054, to which there are amendments not relevant to these Regulations.



(10) In the “Notes” to fee 5.3, after “Children Act 1989” insert “or, where specified, under the Social Services and Well-being (Wales) Act 2014”.

### **General Ophthalmic Service Contracts Regulations 2008**

**105.** In paragraph 26 (co-operation with investigations) sub-paragraph (2) of Schedule 1 to the General Ophthalmic Service Contracts Regulations 2008(**58**), in the definition of “local authority”—

- (a) at the end of paragraph (b) omit “or”;
- (b) at the end of paragraph (c) insert “or”;
- (c) after paragraph (c) insert the following—
  - “(d) the council of a county or county borough in Wales; and”.

### **Primary Ophthalmic Services Regulations 2008**

**106.** In regulation 3 (sight tests – eligibility) of the Primary Ophthalmic Services Regulations 2008(**59**), for paragraph (1)(f) substitute the following—

- “(f) who is registered as sight-impaired or severely sight-impaired under section 77(1) of the Care Act 2014 (registers of sight-impaired adults) or in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014”.

### **Controlled Drugs (Supervision of Management and Use) (Wales) Regulation 2008**

**107.** In regulation 2 (interpretation) paragraph (1) of the Controlled Drugs (Supervision of Management and Use) (Wales) Regulation 2008(**60**) for the definition of “local authority” substitute the following—

- ““local authority” (“*awdurdod lleol*”) has the same meaning as in section 197 of the Social Services and Well-being (Wales) Act 2014;”.

### **Criminal Defence Service (Information Requests) (Prescribed Benefits) Regulations 2009**

**108.** In the table in regulation 2 of the Criminal Defence Service (Information Requests) (Prescribed Benefits) Regulations 2009(**61**) after the entry “Any direct payment Regulations Under the Children and Families Act 2014 Section 49(3)” insert the following in the first, second and third columns respectively—

- “Any direct payment Regulations under the Social Services and Well-being (Wales) Act 2014 Sections 50 to 53”.

### **Education (Admission of Looked After Children) (Wales) Regulations 2009**

**109.** In regulation 2 (interpretation) paragraph (1) of the Education (Admission of Looked After Children) (Wales) Regulations 2009(**62**), in the definition of “relevant looked after child” for “section 22 of the Children Act 1989” substitute “section 74 of the Social Services and Well-being (Wales) Act 2014”.

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(58) S.I. 2008/1185, amended by S.I. 2009/309; there are other amending instruments but none is relevant.

(59) S.I. 2008/1186, amended by S.I. 2015/643; there are other amending instruments but none is relevant.

(60) S.I. 2008/3239 (W.286), to which there are amendments not relevant to these Regulations.

(61) S.I. 2009/212, amended by S.I. 2015/838; there are other amending instruments but none is relevant.

(62) S.I. 2009/821 (W. 72), to which there are amendments not relevant to these Regulations.

### **Local Health Boards (Directed Functions) (Wales) Regulations 2009**

**110.** In regulation 3 (exception to regulation 2(2)) paragraph (3)(a) of the Local Health Boards (Directed Functions) (Wales) Regulations 2009(**63**)—

- (a) in paragraph (i) for “section 22(1) of the 1989 Act” substitute “section 74(1) of the Social Services and Well-being (Wales) Act 2014”;
- (b) for paragraph (ii) substitute the following—
  - “(ii) is a category 2 young person within the meaning of section 104(2) of the Social Services and Well-being (Wales) Act 2014.”;
- (c) for paragraph (iii) substitute the following—
  - “(iii) qualifies for advice and assistance under section 104 of the Social Services and Well-being (Wales) Act 2014 in so far as that section relates to category 5 and 6 young persons within the meaning of that Act.”.

### **Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009**

**111.** In regulation 2 (interpretation) paragraph (2)(c) of the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009(**64**) after “the Children Act 1989” insert “or, as the case may be, section 74(1) of the Social Services and Well-being (Wales) Act 2014”.

### **Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Order 2009**

**112.** In article 3 (exceptions – regulated activity relating to children) paragraph (2)(b) of the Safeguarding Vulnerable Groups Act 2006 (Miscellaneous Provisions) Order 2009(**65**), after “the Children Act 1989” insert “or section 74 of the Social Services and Well-being (Wales) Act 2014.”.

### **Assembly Learning Grant (Further Education) Regulations 2009**

**113.** In regulation 13 (independent eligible student) paragraph (1)(f) of the Assembly Learning Grant (Further Education) Regulations 2009(**66**) after “within the meaning of” insert “section 74 of the Social Services and Well-being (Wales) Act 2014 or”.

### **Criminal Defence Service (Contribution Orders) Regulations 2009**

**114.** In regulation 2(1) (interpretation), paragraph (b) of the definition of “gross annual income” in the Criminal Defence Service (Contribution Orders) Regulations 2009(**67**)—

- (a) after “the Health and Social Care Act 2001 (direct payments)” for “or” substitute “,”;
- (b) after “(personal budgets and direct payments)” insert “or sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014”.

### **Education (Student Support) (European University Institute) Regulations 2010**

**115.** In regulation 27 (interpretation) paragraph (2)(e) of the Education (Student Support) (European University Institute) Regulations 2010(**68**), after “the Children Act 1989” insert “or, as the case may be, section 81 of the Social Services and Well-being (Wales) Act 2014”.

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(63) [S.I. 2009/1511 \(W. 147\)](#), to which there are amendments not relevant to these Regulations.

(64) [S.I. 2009/1563](#), to which there are amendments not relevant to the Regulations.

(65) [S.I. 2009/1797](#), to which there are amendments not relevant to these Regulations.

(66) [S.I. 2009/2158 \(W. 182\)](#), to which there are amendments not relevant to these Regulations.

(67) [S.I. 2009/3328](#), amended by [S.I. 2015/838](#); there are other amending instruments but none is relevant.

(68) [S.I. 2010/447](#), to which there are amendments not relevant to these Regulations.

### **Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010**

**116.** In regulation 4 of the Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010(**69**)—

- (a) for “paragraph 12A(2)(b) of Schedule 2 to the 1989 Act” substitute “section 93(2)(b) of the Social Services and Well-being (Wales) Act 2014”;
- (b) in the heading for “paragraph 12A(2)(b) of Schedule 2 to the 1989 Act” substitute “section 93(2)(b) of the Social Services and Well-being (Wales) Act 2014”.

### **Education (Student Support) (College of Europe) Regulations 2010**

**117.** In regulation 25 (interpretation) paragraph (2)(e) of the Education (Student Support) (College of Europe) Regulations 2010(**70**) after “the Children Act 1989” insert “or, as the case may be, section 81 of the Social Services and Well-being (Wales) Act 2014”.

### **Education (Independent Educational Provision in England) (Provision of Information) Regulations 2010**

**118.** In paragraph 6 (information required in an initial return) of the Schedule to the Education (Independent Educational Provision in England) (Provision of Information) Regulations 2010(**71**) after “the Children Act 1989” insert “or, as the case may be, section 74(1) of the Social Services and Well-being (Wales) Act 2014”.

### **Visits to Children in Long Term Residential Care Regulations 2011**

**119.** The Visits to Children in Long Term Residential Care Regulations 2011(**72**) are amended as follows.

**120.**—(1) Regulation 2 (interpretation) is amended as follows.

(2) In the definition of “A” after “the 1989 Act” insert “or, as the case may be, a child accommodated in accordance with section 120 or 121 of the Social Services and Well-being (Wales) Act 2014”.

(3) The definition of “responsible local authority” is amended as follows—

(a) after paragraph (a) insert the following—

“(aa) in Wales, where a notification has been made under section 120(2) of the Social Services and Well-being (Wales) Act 2014, the responsible authority as defined in section 120(3) of that Act;”;

(b) after paragraph (b) insert the following—

“(bb) in Wales, where a notification has been made under section 121(2) of the Social Services and Well-being (Wales) Act 2014, the local authority within whose area the establishment is carried on;”.

**121.** In regulation 3 (frequency of visits) paragraph (1) and regulation 5 (reports of visits) paragraphs (2)(e) and (3)(d) after “the 1989 Act” insert “or, as the case may be, the Social Services and Well-being (Wales) Act 2014”.

(69) [S.I. 2010/746 \(W.75\)](#), to which there are amendments not relevant to these Regulations.

(70) [S.I. 2010/960](#).

(71) [S.I. 2010/2919](#), to which there are amendments not relevant to these Regulations.

(72) [S.I. 2011/1010](#).

### **School Information (Wales) Regulations 2011**

**122.** In regulation 2 (interpretation) paragraph (1) of the School Information (Wales) Regulations 2011(**73**), in the definition of “looked after children”, after “the meaning given to it in section” insert “74(1) of the Social Services and Well-being (Wales) Act 2014 or, as the case may be, section”.

### **Education (Student Support) Regulations 2011**

**123.** The Education (Student Support) Regulations 2011(**74**) are amended as follows.

**124.** In regulation 42 (interpretation of chapter 4)—

- (a) in paragraph (2)(e) after “the Children Act 1989” insert “or, as the case may be, any payment made under section 81 of the Social Services and Well-being (Wales) Act 2014”;
- (b) in paragraph (2)(f) after “section 24 of that Act” insert “or section 104 of the Social Services and Well-being (Wales) Act 2014 in so far as that section applies to category 5 and 6 young persons within the meaning of that Act”.

**125.** In paragraph 2 (calculation of eligible student’s residual income) sub-paragraph (1)(f) of Schedule 4 after “the Children Act 1989” insert “or, as the case may be, section 74 of the Social Services and Well-being (Wales) Act 2014”.

### **Mental Health (Care Co-ordination and Care and Treatment Planning) (Wales) Regulations 2011**

**126.**—(1) Regulation 3 (identification of relevant mental health service provider) paragraph (4) of the Mental Health (Care Co-ordination and Care and Treatment Planning) (Wales) Regulations 2011(**75**) is amended as follows.

(2) For sub-paragraph (a) substitute the following—

“(a) is looked after by a local authority within the meaning of section 74(1) of the Social Services and Well-being (Wales) Act 2014;”.

(3) For sub-paragraph (b) substitute the following—

“(b) is a category 2 young person within the meaning of section 104(2) of the Social Services and Well-being (Wales) Act 2014;”.

(4) For sub-paragraph (c) substitute the following—

“(c) qualifies for advice and assistance under section 104 of the Social Services and Well-being (Wales) Act 2014 in so far as that section relates to category 5 and 6 young persons within the meaning of that Act; or”.

### **School Admissions (Infant Class Sizes) (England) Regulations 2012**

**127.** In paragraph 3 of the Schedule (excepted pupils) to the School Admissions (Infant Class Sizes) (England) Regulations 2012(**76**), after “the Children Act 1989” insert “or, as the case may be, section 74 of the Social Services and Well-being (Wales) Act 2014”.

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(73) S.I. 2011/1944 (W. 211), to which there are amendments not relevant to these Regulations.

(74) S.I. 2011/1986, amended by S.I. 2012/1653; there are other amending instruments but none is relevant.

(75) S.I.2011/2942 (W. 318), to which there are amendments not relevant to these Regulations.

(76) S.I. 2012/10, to which there are amendments not relevant to these Regulations.

### **Police and Crime Commissioner Elections Order 2012**

**128.**—(1) Paragraph 15 of Schedule 2 to the Police and Crime Commissioner Elections Order 2012(77) (additional requirements referred to in paragraph 14(4)) is amended as follows.

- (2) In sub-paragraph (6)(a) for “blindness” substitute “severe sight-impairment”.
- (3) In sub-paragraph (7)—
  - (a) omit the words from “by a local authority” to “or registered”;
  - (b) after “(registers of sight-impaired adults)” insert “or in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014”.

### **Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Children Act 1989) (Children Remanded to Youth Detention Accommodation) Regulations 2012**

**129.** The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Children Act 1989) (Children Remanded to Youth Detention Accommodation) Regulations 2012(78) are amended as follows.

**130.** In regulation 2 (application of provisions in the 1989 Act to children on remand and savings) omit paragraph (c).

**131.** After regulation 2 insert the following—

“**2A.** The following provisions of the Social Services and Well-being (Wales) Act 2014 do not apply to a relevant child—

- (a) section 81 (ways in which looked after children are to be accommodated and maintained);
- (b) section 82 (review of child’s case before making alternative arrangements for accommodation); and
- (c) paragraph 1 of Schedule 1 (contribution towards maintenance of looked after children – liability to contribute).”

**132.** After regulation 5 (application of provisions etc.) insert the following—

“**5A.** Paragraph 1 of Schedule 1 to the Social Services and Well-being (Wales) Act 2014 does not apply to a child who is remanded to local authority accommodation under section 91(3) of the 2012 Act.”

### **Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012**

**133.** The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012(79) are amended as follows.

**134.** In regulation 8 (households) paragraph (2)(a)—

- (a) omit “or 23(2)(a)”;
- (b) after “a relevant enactment” insert “or in Wales, placed with the applicant or the applicant’s partner by a local authority under section 81 of the Social Services and Well-being (Wales) Act 2014 or by a voluntary organisation under section 59(1)(a) of the Children Act 1989”.

**135.**—(1) Schedule 1 (pensioners: matters that must be included in an authority’s scheme) is amended as follows.

(77) [S.I. 2012/1917](#); relevant amending instruments are [S.I. 2013/388](#), [2015/643](#).

(78) [S.I. 2012/2813](#).

(79) [S.I. 2012/2885](#); relevant amending instruments are [S.I. 2013/3181](#), [2015/643](#).

- (2) For paragraph 8(11)(a) substitute the following—
- “(a) is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014.”
- (3) In paragraph 21(2)(b)(i)—
- (a) omit “or 23(2)(a)”;
- (b) after “the Children (Scotland) Act 1995” insert “or in Wales placed with the applicant or the applicant’s partner by a local authority under section 81 of the Social Services and Well-being (Wales) Act 2014;”.
- (4) In paragraph 25(13)(c)—
- (a) omit the words from “blind in a register” to “(welfare services) or as”;
- (b) after “(registers of sight-impaired adults)” omit “or”;
- (c) after “the Local Government (Scotland) Act 1994” insert “or is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014”.
- (5) In paragraph 26(1)(a)(vii)—
- (a) omit the words from “is blind” to “(welfare services) or”;
- (b) after “(registers of sight-impaired adults)” omit “or”;
- (c) after “the Local Government (Scotland) Act 1994” insert “or is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014”.
- 136.** Schedule 2 (applicable amounts) paragraph 6(4) is amended as follows—
- (a) omit the words from “in a register compiled” to “(welfare services) or is registered”;
- (b) after “(registers of sight-impaired adults)” omit “or”;
- (c) after “the Local Government (Scotland) Act 1994” insert “or is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014”.
- 137.** Paragraph 5(1)(b) of Schedule 4 (sums disregarded from applicant’s earnings) is amended as follows—
- (a) omit the words from “as blind in a register” to “the National Assistance Act 1948 or”;
- (b) after “(registers of sight-impaired adults)” omit “or”;
- (c) after “the Local Government (Scotland) Act 1994” insert “or is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014”.

### **Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012**

**138.** The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012<sup>(80)</sup> are amended as follows.

**139.**—(1) The Schedule (Council Tax Reduction (Default Scheme) 2013) is amended as follows.

(2) In paragraph 44 (earnings of self employers: pensioners) after sub-paragraph (2)(d)(v) insert the following—

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<sup>(80)</sup> [S.I. 2012/2886](#), to which there are amendments not relevant to these Regulations

- “(vi) the person concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support arranged pursuant to section 35 or 36 of the Social Services and Well-being (Wales) Act 2014;”.
- (3) Paragraph 58 (treatment of childcare charges) sub-paragraph (14)(c) is amended as follows—
- (a) after “(welfare services)” omit “or”;
  - (b) after “the Local Government (Scotland) Act 1994” insert “or is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014;”.
- (4) In paragraph 76 (calculation of grant income) after sub-paragraph (2)(i) insert the following—
- in Wales, of higher education bursary for category 3 and category 4 young persons made under section 110 or 112 of the Social Services and Well-being (Wales) Act 2014, in accordance with regulations made under section 116 of that Act.
- (2A) In sub-paragraph (2) “category 3 and category 4 young persons” have the meaning given in section 104(2) of the Social Services and Well-being (Wales) Act 2014.”.
- 140.** In paragraph 6 (severe disability premium) sub-paragraph (4) of Schedule 2 (applicable amounts)—
- (a) after “(welfare services)” omit “or”;
  - (b) after “the Local Government (Scotland) Act 1994” insert “or is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014”.
- 141.** In paragraph 10 (additional condition for the disability premium) sub-paragraph (1)(a)(vii) of Schedule 3 (applicable amounts: persons who are not pensioners)—
- (a) after “(welfare services)” omit “or”;
  - (b) after “the Local Government (Scotland) Act 1994” insert “or is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014”.
- 142.** In paragraph 5(1)(b) of Schedule 5 (sums disregarded from applicant’s earnings: pensioners)
- (a) after “(welfare services)” omit “or”;
  - (b) after “the Local Government (Scotland) Act 1994” insert “or is registered as severely sight-impaired in a register kept by a local authority in Wales under section 18(1) of the Social Services and Well-being (Wales) Act 2014”.
- 143.**—(1) Schedule 8 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners) is amended as follows.
- (2) In paragraph 32 after sub-paragraph (d) insert the following—
- “(da) the person concerned where the payment is for accommodation to meet that person’s needs for care and support arranged pursuant to section 35 or 36 of the Social Services and Well-being (Wales) Act 2014;”.
- (3) In paragraph 33 after “and assistance to certain children)” insert “or sections 37, 38, 109, 110 or 114 of the Social Services and Well-being (Wales) Act 2014 but excluding any direct payments under that Act”.

### **Civil Legal Aid (Merits Criteria) Regulations 2013**

**144.** In regulation 2 (interpretation) of the Civil Legal Aid (Merits Criteria) Regulations 2013<sup>(81)</sup>, the definition of “special Children Act 1989 case” is amended as follows—

- (a) for “any matter described in paragraph 1(1)(a), (b) or (c) of Part 1 of Schedule 1 to the Act” substitute “any matter described in paragraph 1(1)(a), (b), (c) or (k) of Part 1 of Schedule 1 to the Act”;
- (b) after “relates to any of the following provisions of Children Act 1989” insert “or, where specified, the Social Services and Well-being (Wales) Act 2014”;
- (c) after paragraph (a) insert—
  - “(aa) section 119 of the Social Services and Well-being (Wales) Act 2014 (use of accommodation for restricting liberty), to the extent that the individual to whom civil legal services may be provided is the child who is or would be the subject of the order;”;
- (d) in the full-out words at the end of the definition, after “those provisions of the Children Act 1989” insert “or, as the case may be, the Social Services and Well-being (Wales) Act 2014”.

### **Civil Legal Aid (Remuneration) Regulations 2013**

**145.** The Civil Legal Aid (Remuneration) Regulations 2013<sup>(82)</sup> are amended as follows.

**146.** In regulation 2 (interpretation) paragraph (1), in the definition of “family proceedings”, after sub-paragraph (e) insert—

“(ea) section 119 and section 124 of the Social Services and Well-being (Wales) Act 2014 (use of accommodation for restricting liberty);”.

**147.** The heading for table 9(a) in Part 3 of Schedule 1 (hourly rates – licensed work) is amended as follows—

- (a) after “under section 25 of that Act” insert “, or as the case may be, section 119 of the Social Services and Well-being (Wales) Act 2014”;
- (b) for “section 31 of that Act” substitute “section 31 of the Children Act 1989”.

### **National Health Service (Optical Charges and Payments) Regulations 2013**

**148.** In regulation 16 (eligibility for a voucher – replacement or repair) of the National Health Service (Optical Charges and Payments) Regulations 2013<sup>(83)</sup>, paragraph (3) is amended as follows—

- (a) at the end of sub-paragraph (b) omit “or”;
- (b) in sub-paragraph (c) for the full stop substitute “; or”;
- (c) after sub-paragraph (c) insert—
  - “(d) is a category 2 young person within the meaning of section 104(2) of the Social Services and Well-being (Wales) Act 2014 whom a responsible local authority is supporting under section 109 of the Act.”.

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<sup>(81)</sup> S.I. 2013/104, to which there are amendments not relevant to these Regulations.

<sup>(82)</sup> S.I. 2013/422, amended by S.I. 2014/586; there are other amending instruments but none is relevant.

<sup>(83)</sup> S.I. 2013/461, to which there are amendments not relevant to these Regulations.



### **Criminal Legal Aid (Financial Resources) Regulations 2013**

**149.** The Criminal Legal Aid (Financial Resources) Regulations 2013(**84**) are amended as follows.

**150.** Regulation 11 (disposable income: deductions) paragraph (3)(f) is amended as follows—

- (a) for “or section 8(1)” substitute “, section 8(1)”;
- (b) after “Direct Payments Act (direct payments)” insert “or sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014 (direct payments)”.

**151.** Regulation 20 (assessment of resources: gross annual income) paragraph (2)(e) is amended as follows—

- (a) for “or section 8(1)” substitute “, section 8(1)”;
- (b) after “Direct Payments Act” insert “or sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014”.

**152.** In regulation 33 (assessment of resources: gross annual income) paragraph (2)(e)—

- (a) for “or section 8(1)” substitute “, section 8(1)”;
- (b) after “Direct Payments Act” insert “or sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014”.

### **Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013**

**153.** The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013(**85**) are amended as follows.

**154.** In regulation 5 (exceptions from requirement to make a determination in respect of an individual’s financial resources) paragraph (2), the definition of “special Children Act 1989 case” is amended as follows—

- (a) for “any matter described in paragraph 1(1)(a), (b) or (c) (care, supervision and protection of children) of Part 1 of Schedule 1 to the Act” substitute “any matter described in paragraph 1(1)(a), (b), (c) or (k) (care supervision and protection of children) of Part 1 of Schedule 1 to the Act”;
- (b) after “to the extent that it relates to any of the following provisions of the Children Act 1989” insert “or, where specified, the Social Services and Well-being (Wales) Act 2014”;
- (c) after paragraph (a) insert—
  - “(aa) section 119 of the Social Services and Well-being (Wales) Act 2014 (use of accommodation for restricting liberty), to the extent that the individual to whom civil legal services may be provided is the child who is or would be the subject of the order;”;
- (d) in the full-out words at the end of the definition, after “under any of those provisions of the Children Act 1989” insert “or, as the case may be, section 119 of the Social Services and Well-being (Wales) Act 2014”.

**155.** In regulation 24 (payments to be disregarded from calculation of disposable income or gross income) paragraph(1)(g)—

- (a) for “or section 8(1)” substitute “, section 8(1)”;
- (b) after “the Carers and Direct Payments Act (Northern Ireland) 2002” insert “or sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014”.

(84) [S.I. 2013/471](#); relevant amending instruments are [S.I. 2015/643](#), [2015/838](#).

(85) [S.I. 2013/480](#); relevant amending instruments are [S.I. 2015/643](#), [2015/838](#).

**156.** In regulation 40 (certain payments to be disregarded) paragraph (b)(ii)—

- (a) for “or section 57” substitute “, section 57”;
- (b) after “Health and Social Care Act 2001” insert “or sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014”.

### **Criminal Legal Aid (Contribution Orders) Regulations 2013**

**157.** Regulation 10 (calculation of gross annual income) paragraph (2)(e) of the Criminal Legal Aid (Contribution Orders) Regulations 2013<sup>(86)</sup> is amended as follows—

- (a) for “or section 8(1)” substitute “, section 8(1)”;
- (b) after “the Carers and Direct Payments Act (Northern Ireland) 2002” insert “or sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014”.

### **Legal Aid (Information about Financial Resources) Regulations 2013**

**158.** In paragraph 23 of the Schedule (prescribed benefits) to the Legal Aid (Information about Financial Resources) Regulations 2013<sup>(87)</sup>—

- (a) for “or section 8(1)” substitute “, section 8(1)”;
- (b) after “Carers and Direct Payments Act (Northern Ireland) 2002” insert “or sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014 (direct payments)”.

### **School Admissions (Infant Class Sizes) (Wales) Regulations 2013**

**159.** In paragraph 3 of the Schedule (excepted pupils) to the School Admissions (Infant Class Sizes) (Wales) Regulations 2013<sup>(88)</sup>, after “(within the meaning of” insert “section 74(1) of the Social Services and Well-being (Wales) Act 2014 or, as the case may be,”.

### **Coroners (Investigations) Regulations 2013**

**160.** The Coroners (Investigations) Regulations 2013<sup>(89)</sup> are amended as follows.

**161.**—(1) Regulation 24 (providing information to a local safeguarding children board) is amended as follows.

(2) In paragraphs (1) and (2) after “Local Safeguarding Children Board” insert “or, as the case may be, the appropriate Safeguarding Children Board”.

(3) In paragraph (3) in the definition of “the appropriate Local Safeguarding Children Board”—

- (a) omit “or 31(1)”;
- (b) at the end of that definition omit “and”;
- (c) after the definition of “the appropriate Local Safeguarding Children Board” insert the following—

““the appropriate Safeguarding Children Board” means the board established under section 134 of the Social Services and Well-being (Wales) Act 2014 within whose area the deceased died or within whose area the body was found; and”.

(4) In the heading after “Local Safeguarding Children Board” insert “or in Wales a Safeguarding Children Board”.

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<sup>(86)</sup> S.I. 2013/483; relevant amending instruments are S.I. 2015/643, 2015/838.

<sup>(87)</sup> S.I. 2013/628; relevant amending instruments, S.I. 2015/643, 2015/1408, 2015/2005.

<sup>(88)</sup> S.I. 2013/1141 (W.121), to which there are amendments not relevant to these Regulations.

<sup>(89)</sup> S.I. 2013/1629.

162. In regulation 28(4)(b) (report on action to prevent other deaths)—

- (a) after “Local Safeguarding Children Board” insert “or as the case may be the appropriate Safeguarding Children Board”;
- (b) for “has” substitute “have”.

### **Education (Information About Individual Pupils) (England) Regulations 2013**

163. In regulation 2 (interpretation) of the Education (Information About Individual Pupils) (England) Regulations 2013(90) in the definition of “looked-after child” after “the 1989 Act” insert “or, as the case may be, section 74(1) of the Social Services and Well-being (Wales) Act 2014”.

### **Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2013**

164. The Childcare Act 2006 (Local Authority Assessment) (Wales) Regulations 2013(91) are amended as follows.

165. In regulation 2(1) (interpretation), in the appropriate place insert the following—

““Safeguarding Children Board” (“*Bwrdd Diogelu Plant*”) means a board established under section 134 of the Social Services and Well-being (Wales) Act 2014;”.

166. In regulation 6 (consultation) paragraph (1)(a) omit “Local”.

### **Social Services Complaints Procedure (Wales) Regulations 2014**

167. In regulation 2 (interpretation) of the Social Services Complaints Procedure (Wales) Regulations 2014(92), in the appropriate place, insert the following—

““social services functions” (“*swyddogaethau gwasanaethau cymdeithasol*”) means functions within the meaning of section 143 of and Schedule 2 to the Social Services and Well-being (Wales) Act 2014;”.

### **Representations Procedure (Wales) Regulations 2014**

168. The Representations Procedure (Wales) Regulations 2014(93) are amended as follows.

169.—(1) Regulation 2 (interpretation) is amended as follows.

(2) For the definition of “advocate” substitute the following—

““advocate” (“*eiriolwr*”) means a person who provides assistance under arrangements made by a local authority pursuant to section 178(1) of the Social Services and Well-being (Wales) Act 2014;”.

(3) In the definition of “independent person” for “section 26(4) of the 1989 Act” substitute “section 174(6) of the Social Services and Well-being (Wales) Act 2014”.

(4) For the definition of “representations” substitute the following—

““representations” (“*sylwadau*”) means representations made under section 174 or 175 of the Social Services and Well-being (Wales) Act 2014 or paragraph 6(2) of Schedule 7 to the 1989 Act;”.

170.—(1) Regulation 3 (general principles in handling representations) is amended as follows.

(90) S.I. 2013/2094, to which there are amendments not relevant to these Regulations.

(91) S.I. 2013/2274 (W. 220).

(92) S.I. 2014/1794 (W. 187).

(93) S.I. 2014/1795 (W. 188).

(2) For paragraph (1) substitute the following—

“(1) Any representations procedure set up under the Social Services and Well-being (Wales) Act 2014 must be operated in accordance with the principle that, where representations are made by a category 2 or 3 young person, or under section 174(3)(a) of that Act, the welfare of the person making representations should be safeguarded and promoted.”.

(3) After paragraph (2) insert the following—

“(3) In paragraph (1) “category 2 or 3 young person” has the meaning given in section 104(2) of the Social Services and Well-being (Wales) Act 2014.”.

**171.** In regulation 8 (specified functions under parts 4 and 5 of the 1989 Act) for “section 26(3A)(b) of the 1989 Act” substitute “section 174(2)(c) of the Social Services and Well-being (Wales) Act 2014”.

**172.** In regulation 9 (specified functions under the 2002 Act) paragraph (1) for “section 26(3B) of the 1989 Act” substitute “section 174(1)(c) and (5) of the Social Services and Well-being (Wales) Act 2014”.

**173.—**(1) Regulation 15 (representations made by “other persons” under section 23(3)(e), (3B)(b) or (3C)(c) of the 1989 Act) is amended as follows.

(2) In paragraph (1) for “26(3)(e), (3B)(b) or (3C)(c) of the 1989 Act” substitute “174(1)(b) or (c), (3)(f), (4)(d) and (5)(b) of the Social Services and Well-being (Wales) Act 2014”.

(3) In the heading for “26(3)(e), (3B)(b) or (3C)(c) of the 1989 Act” substitute “174(1)(b) or (c), (3)(f), (4)(d) and (5)(b) of the Social Services and Well-being (Wales) Act 2014”.

#### **Education (European University Institute) (Wales) Regulations 2014**

**174.** Regulation 25 (interpretation) paragraph (2) of the Education (European University Institute)(Wales) Regulations 2014<sup>(94)</sup> is amended as follows—

- (a) in sub-paragraph (e) after “section 23 of the Children Act 1989” insert “or section 81 of the Social Services and Well-being (Wales) Act 2014”;
- (b) in sub-paragraph (f) after “dependent under section” insert “110(6) of the Social Services and Well-being (Wales) Act 2014 or, as the case may be, section”;
- (c) in sub-paragraph (g) after “pursuant to section 24 of that Act” insert “or section 104 of the Social Services and Well-being (Wales) Act 2014 in so far as that section applies to category 5 and 6 young persons within the meaning of that Act”.

#### **Education (Student Support) (Wales) Regulations 2015**

**175.** The Education (Student Support) (Wales) Regulations 2015<sup>(95)</sup> are amended as follows.

**176.** In regulation 31 (grants for dependents — interpretation) paragraph (7)—

- (a) in sub-paragraph (e) after “section 23 of the Children Act 1989” insert “or section 81 of the Social Services and Well-being (Wales) Act 2014”;
- (b) in sub-paragraph (f) after “dependant under section” insert “110(6) of the Social Services and Well-being (Wales) Act 2014 or, as the case may be, section”;

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<sup>(94)</sup> S.I. 2014/3037 (W. 303).

<sup>(95)</sup> S.I. 2015/54 (W. 5), to which there are amendments not relevant to these Regulations.

- (c) in sub-paragraph (g) after “pursuant to section 24 of that Act” insert “, or section 104 of the Social Services and Well-being (Wales) Act 2014 in so far as that section applies to category 5 and 6 young persons within the meaning of that Act”.

**177.** In regulation 75 (interpretation of regulation 74) paragraph (5)(e)(i), regulation 90 (support for part time courses beginning before 1 September 2014) paragraph (7)(e)(i), and regulation 92 (new part-time course grant) paragraph (6)(e)(i) after “any payment made under” insert “section 110(6) of the Social Services and Well-being (Wales) Act 2014 or, as the case may be,”.

**178.** In regulation 100 (part-time grants for dependents – interpretation) paragraph (7)—

- (a) in sub-paragraph (e) after “section 23 of the Children Act 1989” insert “or section 81 of the Social Services and Well-being (Wales) Act 2014”;
- (b) in sub-paragraph (f) after “to the dependant under” insert “section 110(6) of the Social Services and Well-being (Wales) Act 2014 or, as the case may be,”;
- (c) in sub-paragraph (g) after “pursuant to section 24 of that Act” insert “, or section 104 of the Social Services and Well-being (Wales) Act 2014 in so far as that section applies to category 5 and 6 young persons within the meaning of that Act”.

**179.** In paragraph 2 (independent eligible student) sub-paragraph (1)(f) of Schedule 5 (financial assessment) after “within the meaning of” insert “section 74 of the Social Services and Well-being (Wales) Act 2014, or as the case may be,”.

### **National Health Service (Charges to Overseas Visitors) Regulations 2015**

**180.** In regulation 15 (refugees, asylum seekers, supported individuals and looked after children) of the National Health Service (Charges to Overseas Visitors) Regulations 2015<sup>(96)</sup>—

- (a) omit paragraph (d)(ii);
- (b) in paragraph (d)(iii) after “Care Act 2014” insert “or section 35 or 36 of the Social Services and Well-being (Wales) Act 2014,”
- (c) in paragraph (e), after “the Children Act 1989” insert “or, as the case may be, section 74(1) of the Social Services and Well-being (Wales) Act 2014 (child or young person looked after by a local authority)”.

### **Children’s Homes (England) Regulations 2015**

**181.** The Children’s Homes (England) Regulations 2015<sup>(97)</sup> are amended as follows.

**182.** In regulation 2 (interpretation) paragraph (1) in the definition of “independent reviewing officer” after “1989” insert “or section 99 of the Social Services and Well-being (Wales) Act 2014”.

**183.** In regulation 22 (contact and access to communications) in paragraph (1)(f) after “1989” insert “or section 98 of the Social Services and Well-being (Wales) Act 2014 (independent visitors for looked after children)”.

**184.** In regulation 41 (notification with respect to children admitted into or discharged from a children’s home) paragraph (3)(b) after “1989” insert “or, in the case of a child placed by a local authority in Wales, whether the child is provided with accommodation under section 76 or 77 of the Social Services and Well-being (Wales) Act 2014”.

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<sup>(96)</sup> S.I. 2015/238, amended by S.I. 2015/2025.

<sup>(97)</sup> S.I. 2015/541.

### **Education (Inspection of Nursery Education) (Wales) Regulations 2015**

**185.** In regulation 3 (inspection reports) paragraph (2)(e) of the Education (Inspection of Nursery Education) (Wales) Regulations 2015(**98**), for “section 18 of the Children Act 1989” substitute “Parts 2 and 4 of the Social Services and Well-being (Wales) Act 2014”.

### **National Health Service (General Medical Services Contracts) Regulations 2015**

**186.** In regulation 80 (co-operation with investigations) paragraph (2) of the National Health Service (General Medical Services Contracts) Regulations 2015(**99**), in the definition of “local authority”—

- (a) at the end of paragraph (b) omit “or”;
- (b) at the end of paragraph (c) for “and” substitute “or”;
- (c) after paragraph (c) insert—
  - “(d) the council of a county or county borough in Wales; and”.

### **National Health Service (Personal Medical Services Agreements) Regulations 2015**

**187.** In regulation 73 (co-operation with investigations) paragraph (2) of the National Health Service (Personal Medical Services Agreements) Regulations 2015(**100**), in the definition of “local authority”—

- (a) at the end of paragraph (b) omit “or”;
- (b) at the end of paragraph (c) for “and” substitute “or”;
- (c) after paragraph (c) insert—
  - “(d) the council of a county or county borough in Wales; and”.

## **PART 2**

Amendments to secondary legislation referencing secondary legislation  
revoked or disapplied as a consequence of the provisions of the 2014 Act

### **Children’s Homes (Wales) Regulations 2002**

**188.** In regulation 18 (education, employment and leisure activity) paragraph (1)(d) and regulation 20 (health needs of children) paragraph (2)(g) of the Children’s Homes (Wales) Regulations 2002(**101**) for “the Review of Children’s Cases (Wales) Regulations 2007” substitute “regulations made under section 102 of the Social Services and Well-being (Wales) Act 2014”.

### **Non-Contentious Probate Fees Order 2004**

**189.** In paragraph 1(1) of Schedule 1A (remissions and part remissions) to the Non-Contentious Probate Fees Order 2004(**102**), in paragraph (c) of the definition of “excluded benefits”—

- (a) omit “the Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2011”;

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(98) S.I. 2015/1599 (W. 198).

(99) S.I. 2015/1862.

(100) S.I. 2015/1879.

(101) S.I. 2002/327 (W. 40), amended by S.I. 2007/311 (W. 28); there are other amending instruments but none is relevant.

(102) S.I. 2004/3120 (L. 22); relevant amending instruments are S.I. 2013/2302 (L. 21), 2014/590 (L. 6).

- (b) after “2002” omit “or”;
- (c) after “1968” insert “or under regulations made under sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014”.

#### **Court of Protection Fees Order 2007**

**190.** In paragraph 1(1) of Schedule 2 (remissions and part remissions) to the Court of Protection Fees Order 2007(**103**), in paragraph (c) of the definition of “excluded benefits”—

- (a) omit “the Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2011”;
- (b) after “2002” omit “or”;
- (c) after “1968” insert “or under regulations made under sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014”.

#### **Magistrates’ Courts Fees Order 2008**

**191.** In paragraph 1(1) of Schedule 2 (remissions and part remissions) to the Magistrates’ Courts Fees Order 2008(**104**), in paragraph (c) of the definition of “excluded benefits”—

- (a) omit “the Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2011”;
- (b) after “2002” omit “or”;
- (c) after “1968” insert “or under regulations made under sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014”.

#### **Civil Proceedings Fees Order 2008**

**192.** In paragraph 1(1) of Schedule 2 (remissions and part remissions) to the Civil Proceedings Fees Order 2008(**105**), in paragraph (c) of the definition of “excluded benefits”—

- (a) omit “the Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2011”;
- (b) after “1968” omit “or”;
- (c) after “2013” insert “or under regulations made under sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014”.

#### **Family Proceedings Fees Order 2008**

**193.** In paragraph 1(1) of Schedule 2 (remissions and part remissions) to the Family Proceedings Fees Order 2008(**106**), in paragraph (c) of the definition of “excluded benefits”—

- (a) omit “the Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2011”;
- (b) after “1968” omit “or”;
- (c) after “2013” insert “or under regulations made under sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014”.

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(103) S.I. 2007/1745 (L. 13); relevant amending instruments are S.I. 2013/2302 (L. 21), 2014/590 (L. 6).

(104) S.I. 2008/1052 (L. 4); relevant amending instruments are S.I. 2013/2302 (L. 21), 2014/590 (L. 6).

(105) S.I. 2008/1053 (L. 5); relevant amending instruments are S.I. 2013/2302 (L. 21), 2014/590 (L. 6), 2014/1834 (L. 27).

(106) S.I. 2008/1054 (L. 6); relevant amending instruments are S.I. 2013/2302 (L. 21), 2014/590 (L. 6), 2015/687 (L. 10).

### Upper Tribunal (Lands Chamber) Fees Order 2009

**194.** In paragraph 1(1) of Schedule 2 (remissions and part remissions) to the Upper Tribunal (Lands Chamber) Fees Order 2009(**107**), in paragraph (c) of the definition of “excluded benefits”—

- (a) omit “the Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2011”;
- (b) after “2002” omit “or”;
- (c) after “1968” insert “or under regulations made under sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014”.

### Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011

**195.** In paragraph 1(1) of Schedule 2 (remissions and part remissions) to the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011(**108**), in paragraph (c) of the definition of “excluded benefits”—

- (a) omit “the Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2011”;
- (b) after “2002” omit “or”;
- (c) after “1968” insert “or under regulations made under sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014”.

### First-tier Tribunal (Property Chamber) Fees Order 2013

**196.** In paragraph 1(1) of Schedule 2 (remissions and part remissions) to the First-tier Tribunal (Property Chamber) Fees Order 2013(**109**), in paragraph (c) of the definition of “excluded benefits”—

- (a) omit “the Community Care, Services for Carers and Children’s Services (Direct Payments) (Wales) Regulations 2011”;
- (b) after “2002” omit “or”;
- (c) after “1968” insert “or under regulations made under sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014”.

## PART 3

### Amendments to secondary legislation disapplied in relation to Wales

#### Children (Secure Accommodation) Regulations 1991

**197.** The Children (Secure Accommodation) Regulations 1991(**110**) are amended as follows.

**198.** For regulation 1A substitute—

- “**1A.**—(1) These regulations do not apply in relation to—
- (a) the provider of a children’s home in Wales;

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(**107**) S.I. 2009/1114; relevant amending instruments are S.I. 2013/2302 (L. 21), 2014/590 (L. 6).

(**108**) S.I. 2011/2344; relevant amending instruments are S.I. 2013/2302 (L. 21), 2014/590 (L. 6).

(**109**) S.I. 2013/1179; relevant amending instruments are S.I. 2013/2302 (L. 21), 2014/590 (L. 6).

(**110**) S.I. 1991/1505, amended in relation to Wales by S.I. 1995/1398, S.I. 1996/692 and S.I. 2002/808 (W. 89); there are other amending instruments but none is relevant.



(b) an application to court for authority to place a child in secure accommodation in Wales.

(2) Regulations 4, 14, 15 and 16 do not apply to a local authority in Wales in respect of a placement in secure accommodation under section 25 of the Act.

(3) Where paragraphs (1) and (2) apply, refer to section 119 of the Social Services and Well-being (Wales) Act 2014 and the Children (Secure Accommodation) (Wales) Regulations 2015.”.

**199.** In regulation 8, after “local authority” insert “or local authority in Wales”.

**200.** In regulation 9, after “local authority” insert “or local authority in Wales”.

**201.** In paragraph (b) of regulation 17, after “local authority” insert “or local authority in Wales”.

### **Children and Family Court Advisory and Support Service (Reviewed Case Referral) Regulations 2004**

**202.** The Children and Family Court Advisory and Support Service (Reviewed Case Referral) Regulations 2004(**111**) are amended as follows.

**203.**—(1) Regulation 3 (extension of the functions of officers) is amended as follows.

(2) Omit “and of the National Assembly for Wales”.

(3) In the heading omit “and Welsh family proceedings officers”.

**204.**—(1) Regulation 4 (manner in which the functions of the officers of the service and Welsh family proceedings officers are to be performed) is amended as follows.

(2) Omit “or a Welsh family proceedings officer”.

(3) In the heading omit “and Welsh family proceedings officers”.

**205.** Omit regulation 5A (appointment of a Welsh family proceedings officer).

**206.** In regulation 6 (inappropriate referral of a case) omit “or the Welsh family proceedings officer appointed under regulation 5A(1)”.

**207.**—(1) Regulation 7 (issue of proceedings) paragraph (1) is amended as follows.

(2) Omit “or regulation 5A(2)”.

(3) Omit “or the Welsh family proceedings officer”.

(4) Omit “or the National Assembly for Wales”.

**208.** In regulation 8 (settlement of the case without a court hearing) omit “or the Welsh family proceedings officer”.

**209.**—(1) Regulation 9 (report following the conclusion of the case) is amended as follows.

(2) In paragraph (1)—

(a) omit “or the Welsh family proceedings officer”;

(b) omit “or regulation 5A(2)(a) to (d)”.

(3) In paragraph (2) after “time limits in regulation 5(3)” omit “, 5A(3)”.

(111) S.I. 2004/2187, amended by S.I. 2005/605; there are other amending instruments but none is relevant.

## SCHEDULE 4

Regulation 4

## Savings and transitional provision

**Savings and transitional provision in relation to child practice reviews**

1.—(1) Despite the revocation of the Local Safeguarding Children Boards (Wales) Regulations 2006 (“the 2006 Regulations”) by regulation 2 of and Schedule 1 to these Regulations, the 2006 Regulations will continue to apply to child practice reviews which have been commenced but not completed immediately before these Regulations come into force but with the following modifications—

- (a) regulation 4A(5)(k) is modified so that the Board is also required to provide a copy of the child practice review report and action plan to the National Board;
- (b) regulation 4A(5)(n) is modified so that the Board is also required to send the report following any progress review to the National Board.

(2) In this paragraph—

“Board” (“*Bwrdd*”) has the same meaning as in regulation 2(1) of the 2006 Regulations;

“National Board” (“*Bwrdd Cenedlaethol*”) means the National Independent Safeguarding Board which is required to be established by section 132 of the Social Services and Well-being (Wales) Act 2014.

**EXPLANATORY NOTE**

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

These Regulations are made under section 198 of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”) and sections 195(6) and 201 of the Health and Social Care (Community Health and Standards) Act 2003.

Regulation 2 provides for the revocation of Wales only secondary legislation (Schedule 1) and the disapplication in relation to Wales of England and Wales secondary legislation (Schedule 2) made under any of the provisions of primary legislation that have been repealed as a consequence of the commencement of the 2014 Act.

Regulation 3 introduces Schedule 3 which sets out the consequential and incidental amendments to secondary legislation required as a consequence of the commencement of the 2014 Act and, in one case, as a consequence of the commencement of the repeal of section 7B of the Local Authority Social Services Act 1970 in Schedule 14 of the Health and Social Care (Community Health and Standards) Act 2003.

Schedule 3 is divided into 3 parts. Part 1 deals with consequential amendments to secondary legislation which refers, for various purposes, to primary legislation that has been repealed in consequence of the commencement of the 2014 Act. Part 2 makes amendments to secondary legislation that refers to any other secondary legislation that is revoked or disapplied by Schedules 1 and 2 to these Regulations. Part 3 makes textual amendments to secondary legislation which is territorially disapplied in relation to Wales, but which continues to apply in relation to England.

Regulation 4 introduces Schedule 4 which makes savings and transitional provision.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations