
WELSH STATUTORY INSTRUMENTS

2016 No. 413

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

Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

46. The Disabled Persons (Services, Consultation and Representation) Act 1986 is amended as follows.

47. In section 2(5) (rights of authorised representatives of disabled persons)—

- (a) in paragraph (b)(1), for “Part III of the 1948 Act or Part 1 of the Care Act 2014” substitute “Part 1 of the Care Act 2014 or Part 4 of the Social Services and Well-being (Wales) Act 2014”;
- (b) in paragraph (bb)(2) after “Part III of the Children Act 1989” insert “, or under Part 6 of the Social Services and Well-being (Wales) Act 2014”;
- (c) in paragraph (c)(3), for “section 26 of the 1948 Act or Part 1 of the Care Act 2014” substitute “Part 1 of the Care Act 2014 or, in Wales, in compliance with a local authority’s duty to meet the needs of the disabled person pursuant to Part 4 of the Social Services and Well-being (Wales) Act 2014”; and
- (d) in paragraph (cc)(4) after “under section 17 of the Children Act 1989” insert “, or under Part 4 of the Social Services and Well-being (Wales) Act 2014”.

48. In section 3 (assessment by local authorities in Wales or Scotland of needs of disabled persons)—

- (a) in subsection (1)(5) omit “Wales or”;
- (b) in the heading to the section(6) omit “Wales or”.

49. In section 4(7) (services under section 2 of the Chronically Sick and Disabled Persons Act 1970: duty to consider needs of disabled persons)—

- (a) in subsection (1)—
 - (i) after “local authority” insert “in England”;
 - (ii) for “section 2(1) or (4)” substitute “section 2(4)”;
- (b) in subsection (2) omit “In the case of a local authority in England”.

50. In section 8 (duty of local authority in Wales or Scotland to take into account abilities of carer)—

- (a) in subsection (1)(b)(8) omit “Wales or”;

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- (1) Section 2(5)(b) was amended by [S.I. 2015/914](#), Schedule, paragraphs 36, 37(a).
(2) Section 2(5)(bb) was inserted by the Children Act 1989, Schedule 13, paragraph 59(3).
(3) Section 2(5)(c) was amended by [S.I. 2015/914](#), Schedule, paragraphs 36, 37(b).
(4) Section 2(5)(cc) was inserted by the Children Act 1989, Schedule 13, paragraph 59(4).
(5) Section 3(1) was amended by [S.I. 2015/914](#) Schedule, paragraphs 36, 38(1).
(6) The heading to section 3 was amended by [S.I. 2015/914](#), Schedule, paragraphs 36, 38(2).
(7) Section 4 was amended by [S.I. 2015/914](#), Schedule, paragraphs 36, 39(1), (2), (3) and (4).
(8) Section 8(1)(b) was amended by [S.I. 2015/914](#), Schedule, paragraphs 36, 40(1).

(b) in the heading to the section(9) omit “Wales or”.

51. In section 16(1) (interpretation)

(a) in the definition of “disabled person”, for paragraph (a)(10) substitute—

“(a) in relation to Wales means a person who is disabled within the meaning of section 3 of the Social Services and Well-being (Wales) Act 2014; and”;

(b) in the definition of “local authority”—

(i) after “1970” insert “or the Social Services and Well-being (Wales) Act 2014”;

(ii) for “that Act” substitute “the 1970 Act”;

(c) in the definition of “the welfare enactments”—

(i) omit “Part III of the 1948 Act, section 2 of the 1970 Act and”;

(ii) in paragraph (za)(11), after “England,” insert “section 2 of the 1970 Act,”;

(iii) in paragraph (a)(12), for the words from “Schedule 15” to the end of the paragraph insert “Parts 4 and 6 of the Social Services and Well-being (Wales) Act 2014”;

(d) for subsection (2)(13) substitute—

“(2) In this Act as it applies in relation to England, any reference to a child who is looked after by a local authority has the same meaning as in Part 3 of the Children Act 1989.

(2ZA) In this Act as it applies in relation to Wales, any reference to a child who is looked after by a local authority has the same meaning as in Part 6 of the Social Services and Well-being (Wales) Act 2014.”

(9) The heading to section 8 was amended by [S.I. 2015/914](#), Schedule, paragraphs 36, 40(2).

(10) Paragraph (a) in the definition of “disabled person” was amended by the Children Act 1989, Schedule 13, paragraph 61 and by [S.I. 2015/914](#), Schedule, paragraphs 36, 41(1), (3).

(11) Paragraph (za) in the definition of “welfare enactments” was inserted by [S.I. 2015/914](#), Schedule, paragraphs 36, 41(1), (4).

(12) Paragraph (a) in the definition of “welfare enactments” was amended by [S.I. 2015/914](#), Schedule, paragraphs 36, 41(1), (5) and by the Children Act 1989, Schedule 13, paragraph 61.

(13) Section 16(2) was inserted by the Children Act 1989, Schedule 13, paragraph 61.