

WELSH STATUTORY INSTRUMENTS

2016 No. 413

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

Health and Social Care Act 2001 (c. 15)

179. Part 4 of the Health and Social Care Act 2001 (social care) is amended as follows.

Commencement Information

I1 Reg. 179 in force at 6.4.2016, see [reg. 2\(1\)](#)

180. Omit section 49 (exclusion of nursing care from community care services).

Commencement Information

I2 Reg. 180 in force at 6.4.2016, see [reg. 2\(1\)](#)

181. Omit section 50 (preserved rights: transfer to local authorities of responsibilities as to accommodation).

Commencement Information

I3 Reg. 181 in force at 6.4.2016, see [reg. 2\(1\)](#)

182. Omit section 54 (funding by resident of more expensive accommodation).

Commencement Information

I4 Reg. 182 in force at 6.4.2016, see [reg. 2\(1\)](#)

183. In section 55 (power for local authorities to take charges on land instead of contributions)—

(a) after subsection (2A)(1) insert—

“(2B) A local authority in Wales may not enter into, or be required by directions under subsection (2) to enter into, a deferred payment agreement on or after the day on which section 2 of the Social Services and Well-being (Wales) Act 2014 came into force.”

(b) for subsection (7)(2) substitute—

“(7) Any reference in this section to relevant contributions is a reference to—

(a) so much of the payments which the resident is liable to pay to an authority for Part 3 accommodation (including any payments which are additional payments

(1) Section 55(2A) was inserted by [S.I. 2015/914](#), Schedule, paragraphs 62, 64(1), (2).

(2) Section 55(7) was substituted by [S.I. 2015/914](#), Schedule, paragraphs 62, 64(1), (3).

Changes to legislation: There are currently no known outstanding effects for the The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016, Cross Heading: Health and Social Care Act 2001 (c. 15). (See end of Document for details)

for the purpose of section 54) as may be specified in, or determined in accordance with, regulations made for the purposes of this subsection; and

- (b) any sum due to an authority by the resident under Part 1 of the Care Act 2014 or Part 5 of the Social Services and Well-being (Wales) Act 2014 in respect of meeting needs for care and support by the provision of accommodation for the resident, including anything provided in connection with that accommodation.”

Commencement Information

I5 Reg. 183 in force at 6.4.2016, see [reg. 2\(1\)](#)

184. Omit section 56 (cross border placements).

Commencement Information

I6 Reg. 184 in force at 6.4.2016, see [reg. 2\(1\)](#)

185. In section 57(3)(direct payments)—

- (a) in subsection (1)—
- (i) for “subsection (2) or (2A)” substitute “subsection (2A)”;
 - (ii) omit “(2) or (as the case may be)”;
- (b) omit subsection (2);
- (c) in subsection (2A), omit “in England”;
- (d) in subsection (2B), for “subsection (2) or (2A)” substitute “subsection (2A)”;
- (e) in subsection (3) in each of paragraphs (a) and (g), for “subsection (2) or (2A)” substitute “subsection (2A)”;
- (f) omit subsection (7B).

Commencement Information

I7 Reg. 185 in force at 6.4.2016, see [reg. 2\(1\)](#)

186. In section 59(1)(4) (definitions)—

- (a) in the definition of “community care services” omit paragraph (a).
- (b) in the definition of “local authority”—
- (i) omit paragraph (za);
 - (ii) in paragraph (a) for “in relation to Wales, or, in sections 55 and 57, England or Wales, has the meaning given by section 46(3) of the 1990 Act” substitute “does not, except in sections 55 and 57, include a local authority in England and, for the purposes of those sections in their application to local authorities in England, means a county council in England, a district council for an area in England which has no county council, a London borough council or the Common Council of the City of London”;

- (3) Section 57 was amended by the Schedule to [S.I. 2015/914](#). Section 57(1) was amended by paragraphs 62, 65(1), (2)(a) and (b); subsections (2A) and (2B) were inserted by paragraphs 62, 65(1), (4); subsection (3) was amended by paragraphs 62, 65(1), (6).
- (4) In section 59(1), the definitions of “community care services” and “local authority” were amended by [S.I. 2015/914](#), Schedule, paragraphs 62, 66(1), (2), (3)(a) and (b).

Changes to legislation: There are currently no known outstanding effects for the The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016, Cross Heading: Health and Social Care Act 2001 (c. 15). (See end of Document for details)

(iii) after paragraph (a) insert—

“(aa) does not, except in section 55, include a local authority in Wales and, for the purpose of that section in its application to local authorities in Wales, means the council of a county or county borough in Wales;”.

Commencement Information

18 Reg. 186 in force at 6.4.2016, see [reg. 2\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016, Cross Heading: Health and Social Care Act 2001 (c. 15).