



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 11

MISCELLANEOUS AND GENERAL

Miscellaneous

190 Provider failure: exception to temporary duty

- (1) A local authority is not required to meet needs which were, immediately before the registered person became unable to carry on or manage the establishment or agency, being met—
- (a) under arrangements made by a local authority in England under Part 1 of the Care Act 2014;
 - (b) under arrangements made by a local authority in Scotland discharging its duty under section 12 or 13A of the Social Work (Scotland) Act 1968 or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
 - (c) under arrangements made by a Health and Social Care trust under Article 15 of the [Health and Personal Social Services \(Northern Ireland\) Order 1972 \(S.I. 1972/1265 \(N.I. 14\)\)](#) or section 2 of the Carers and Direct Payments Act (Northern Ireland) 2002;
 - (d) by the provision of accommodation or services all or part of the cost of which was paid for by direct payments made—
 - (i) by virtue of section 57 of the Health and Social Care Act 2001,
 - (ii) as a result of the choice made by the adult pursuant to section 5 of the Social Care (Self-directed Support) (Scotland) Act 2013, or
 - (iii) by virtue of section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002.

Status: This is the original version (as it was originally enacted).

- (2) Pending the commencement of Part 1 of the Care Act 2014, subsection (1)(a) is to be read as if there were substituted for it—
- “(a) under arrangements made by or by means of services provided by a local authority in England under—
 - (i) Part 3 of the National Assistance Act 1948,
 - (ii) section 45 of the Health Services and Public Health Act 1968,
 - (iii) section 117 of the Mental Health Act 1983,
 - (iv) Schedule 20 to the National Health Service Act 2006, or
 - (v) section 2 of the Carers and Disabled Children Act 2000;”.
- (3) Pending the commencement of section 5 of the Social Care (Self-directed Support) (Scotland) Act 2013, subsection (1)(d)(ii) is to be read as if there were substituted for it—
- “(ii) under section 12B of the Social Work (Scotland) Act 1968, or”.