



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 11

MISCELLANEOUS AND GENERAL

General

197 General interpretation and index of defined expressions

(1) In this Act—

“abuse” (“*camdriniaeth*”, “*cam-drin*”) means physical, sexual, psychological, emotional or financial abuse (and includes abuse taking place in any setting, whether in a private dwelling, an institution or any other place), and “financial abuse” (“*camdriniaeth ariannol*”) includes—

- (a) having money or other property stolen;
- (b) being defrauded;
- (c) being put under pressure in relation to money or other property;
- (d) having money or other property misused;

“adult” (“*oedolyn*”) has the meaning given by section 3;

“approved premises” (“*mangre a gymeradwywyd*”) is defined for the purposes of sections 185 to 187 by section 188(1);

“bail in criminal proceedings” (“*mechniaeth mewn achos troseddol*”) is defined for the purposes of sections 185 to 187 by section 188(1);

“care and support” (“*gofal a chymorth*”) has the meaning given by section 4;

[^{F1}“care home” (“*cartref gofal*”)

- (a) has the same meaning as in the Care Standards Act 2000 in respect of a care home in England; and

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- (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to adults;]
- “carer” (“*gofalwr*”) has the meaning given by section 3;
- “child” (“*plentyn*”) [^{F2}, except in section 83(2C),] has the meaning given by section 3;
- [^{F3}“children's home” (“*cartref plant*”) means, except in section 86,
- (a) a children's home in England within the meaning of the Care Standards Act 2000 in respect of which a person is registered under Part 2 of that Act; and
- (b) [^{F4}a place in Wales in respect of which a person is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 to provide—
- (i) a care home service (within the meaning of paragraph 1 of Schedule 1 to that Act) wholly or mainly to children, or
- (ii) a secure accommodation service (within the meaning of paragraph 2 of Schedule 1 to that Act);]]
- ^{F5}
 ...
- “community home” (“*cartref cymunedol*”) and “controlled community home” (“*cartref cymunedol a reolir*”) have the meanings given by section 53 of the Children Act 1989;
- “disabled” (“*anabl*”) has the meaning given by section 3;
- “education functions” (“*swyddogaethau addysg*”) has the meaning given by section 579(1) of the Education Act 1996;
- “eligibility criteria” (“*meini prawf cymhwysra*”) means criteria set under section 32;
- “enactment” (“*deddfiad*”) means—
- (a) except in sections 140(2)(b), 172(7) and 198(2)(b), a provision contained in any of the following (whenever enacted or made)—
- (i) an Act of Parliament;
- (ii) an Act or Measure of the National Assembly for Wales;
- (iii) an Act of the Scottish Parliament;
- (iv) Northern Ireland legislation (within the meaning of the Interpretation Act 1978);
- (v) subordinate legislation made under an enactment falling within sub-paragraphs (i) to (iv);
- (b) in sections 140(2)(b), 172(7) and 198(2)(b), a provision contained in any of the following (whenever enacted or made)—
- (i) an Act of Parliament;
- (ii) an Act or Measure of the National Assembly for Wales;
- (iii) subordinate legislation made under an enactment falling within sub-paragraph (i) or (ii);
- “family” (“*teulu*”), in relation to a child, includes (but is not limited to) any person who has parental responsibility for the child and any other person with whom the child has been living;
- “financial assessment” (“*asesiad ariannol*”) has the meaning given by section 63;

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“financial limit” (“*terfyn ariannol*”) has the meaning given by section 66(5);

“function” (“*swyddogaeth*”) means power or duty;

“harm” (“*niwed*”), in relation to a child, means abuse or the impairment of—

- (a) physical or mental health, or
- (b) physical, intellectual, emotional, social or behavioural development,

and where the question of whether harm is significant turns on the child's health or development, the child's health or development is to be compared with that which could reasonably be expected of a similar child;

“Health and Social Care trust” (“*ymddiriedolaeth Iechyd a Gofal Cymdeithasol*”) means a Health and Social Care trust established under the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1));

“hospital” (“*ysbyty*”) has the meaning given by section 206 of the National Health Service (Wales) Act 2006;

“independent hospital” (“*ysbyty annibynnol*”)—

- (a) in relation to Wales, has the meaning given by section 2 of the Care Standards Act 2000, and
- (b) in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;

[^{F6}“integrated care board” (“*bwrdd gofal integredig*”) means a body established under section 14Z25 of the National Health Service Act 2006;]

“local authority” (“*awdurdod lleol*”) means the council of a county or county borough in Wales;

[^{F7}“local authority foster parent” (“*rhiant maeth awdurdod lleol*”) means a person authorised as such in accordance with regulations made by virtue of—

- (a) sections 87 and 93;
- (b) paragraph 12F of Schedule 2 to the Children Act 1989 (regulations providing for approval of local authority foster parents);]

“local authority in England” (“*awdurdod lleol yn Lloegr*”) means—

- (a) a county council in England,
- (b) a district council for an area in England for which there is no county council,
- (c) a London borough council, or
- (d) the Common Council of the City of London;

“local authority in Scotland” (“*awdurdod lleol yn yr Alban*”) means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

“Local Health Board” (“*Bwrdd Iechyd Lleol*”) means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;

“National Board” (“*Bwrdd Cenedlaethol*”) is defined for the purposes of Part 7 by section 142;

[^{F8}“NHS England” (“*GIG Lloegr*”) means the body established under section 1H of the National Health Service Act 2006;]

“needs assessment” (“*asesiad o anghenion*”) means an assessment under Part 3;

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“neglect” (“*esgeulustod*”) means a failure to meet a person's basic physical, emotional, social or psychological needs, which is likely to result in an impairment of the person's well-being (for example, an impairment of the person's health or, in the case of a child, an impairment of the child's development);

“NHS Foundation Trust” (“*Ymddiriedolaeth Sefydledig GIG*”) has the meaning given by section 30 of the National Health Service Act 2006;

“NHS Trust” (“*Ymddiriedolaeth GIG*”) means a National Health Service trust established under section 18 of the National Health Service (Wales) Act 2006;

“parental responsibility” (“*cyfrifoldeb rhiant*”) has meaning given by section 3 of the Children Act 1989;

“prison” (“*carchar*”) is defined—

- (a) for the purposes of sections 185 to 187 by section 188(1),
- (b) for the purposes of section 134, by section 134(11), and
- (c) for the purposes of section 162, by section 162(11);

“private children's home” (“*cartref plant preifat*”) means a children's home which is not—

- (a) a community home, or
- (b) a voluntary home (within the meaning given by section 60 of the Children Act 1989);

“regulations” (“*rheoliadau*”), other than in relation to section 101, means regulations made by the Welsh Ministers;

“relative” (“*perthynas*”), in relation to a child, means a step-parent, grandparent, brother, sister, uncle or aunt (including any person who is in that relationship by virtue of a marriage or civil partnership or an enduring family relationship);

“Safeguarding Board” (“*Bwrdd Diogelu*”) is defined for the purposes of Part 7 by section 142;

“Safeguarding Board area” (“*ardal Bwrdd Diogelu*”) is defined for the purposes of Part 7 by section 142;

“Safeguarding Board partner” (“*partner Bwrdd Diogelu*”) is defined for the purposes of Part 7 by section 142;

“services” (“*gwasanaethau*”) includes facilities;

“special guardian” (“*gwarcheidwad arbennig*”) and “special guardianship order” (“*gorchymyn gwarcheidiaeth arbennig*”) have the meaning given by section 14A of the Children Act 1989;

“Special Health Authority” (“*Awdurdod Iechyd Arbennig*”) means a Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006 or section 28 of the National Health Service Act 2006;

“specified” (“*penodedig*”, “*a bennir*”, “*a bennwyd*”) and related expressions, unless the context otherwise requires, means specified in regulations;

“standard charge” (“*ffi safonol*”) is defined for the purposes of Part 5 by section 63(3);

“upbringing” (“*magwraeth*”), in relation to a child, includes the care of the child but not the child's maintenance;

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“voluntary organisation” (“*sefydliad gwirfoddol*”) means a body (other than a public or ^{F9}local authority) whose activities are not carried on for profit;

“well-being” (“*llesiant*”) has the meaning given by section 2;

“Welsh family proceedings officer” (“*swyddog achosion teuluol Cymru*”) has the meaning given by section 35 of the Children Act 2004;

“youth detention accommodation” (“*llety cadw ieuenctid*”) is defined for the purposes of sections 185 to 187 by section 188(1);

“youth offending team” (“*tîm troseddwr ifanc*”) means a team established under section 39 of the Crime and Disorder Act 1998.

(2) In this Act—

(a) a reference to a child looked after by a local authority has the meaning given by section 74;

^{F10}(b) a reference to a child looked after by a local authority in England has the same meaning as a reference in section 22 of the Children Act 1989 to a child who is looked after by a local authority in England;

(c) a reference to a child looked after by a local authority in Scotland has the same meaning as a reference in Chapter 1 of Part 2 of the Children (Scotland) Act 1995 to a child who is “looked after” by a local authority (see section 17(6) of that Act);

(d) a reference to a child looked after by a Health and Social Care trust has the same meaning as a reference in the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)) to a child who is looked after by an authority (see article 25 of that Order).

(3) A reference in this Act to a child who is in the care of a local authority is a reference to a child who is in its care by virtue of a care order (within the meaning given by the Children Act 1989).

(4) A reference in this Act to accommodation provided by or on behalf of a local authority is a reference to accommodation so provided in the exercise of functions of that authority or any other local authority which are social services functions.

(5) A reference in this Act to a person having, or lacking, capacity in relation to a matter is to be interpreted as a reference to a person having, or lacking, capacity within the meaning of the Mental Capacity Act 2005 in relation to that matter.

(6) A reference in this Act to being authorised under the Mental Capacity Act 2005 is a reference to being authorised as—

(a) a donee of a lasting power of attorney created under that Act, or

(b) a deputy appointed by the Court of Protection under section 16(2)(b) of that Act.

(7) The Welsh Ministers may by regulations provide that the Council of the Isles of Scilly is to be treated as a local authority in England for the purposes of this Act, or for the purposes of specified provisions of this Act, with such modifications as may be specified.

Textual Amendments

F1 Words in s. 197(1) (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), [Sch. 3 para. 36\(a\)](#); S.I. 2017/1326, reg. 2(3)(h), [Sch.](#) (with art. 6)

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- F2** Words in s. 197 inserted (1.9.2021) by **Additional Learning Needs and Education Tribunal (Wales) Act 2018** (anaw 2), s. 100(3), **Sch. 1 para. 24(5)**; S.I. 2021/373, art. 8(j)(xl) (as amended by S.I. 2021/735, art. 2(5)(b))
- F3** Words in s. 197(1) (2.4.2018) by **Regulation and Inspection of Social Care (Wales) Act 2016** (anaw 2), s. 188(1), **Sch. 3 para. 36(b)**; S.I. 2017/1326, reg. 2(3)(h), **Sch.** (with art. 6)
- F4** Words in s. 197(1) substituted (29.4.2019) by **The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2019** (S.I. 2019/772), regs. 1(2), **29**
- F5** Words in s. 197(1) omitted (1.7.2022) by virtue of **Health and Care Act 2022** (c. 31), s. 186(6), **Sch. 4 para. 225(a)(i)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F6** Words in s. 197(1) inserted (1.7.2022) by **Health and Care Act 2022** (c. 31), s. 186(6), **Sch. 4 para. 225(a)(ii)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F7** Words in s. 197(1) substituted (6.4.2016) by **The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016** (S.I. 2016/413), regs. 2(1), **319(a)**
- F8** Words in s. 197(1) substituted (1.7.2022) by **Health and Care Act 2022** (c. 31), s. 186(6), **Sch. 1 para. 31(a)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F9** Words in s. 197(1) substituted (6.4.2016) by **Regulation and Inspection of Social Care (Wales) Act 2016** (anaw 2), s. 188(1), **Sch. 3 para. 65**; S.I. 2016/467, art. 3
- F10** S. 197(2)(b) substituted (6.4.2016) by **The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016** (S.I. 2016/413), regs. 2(1), **319(b)**

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Changes and effects yet to be applied to :

- s. 197(1) words inserted by [2022 c. 31 Sch. 4 para. 225\(b\)\(ii\)](#) (Amendment to Welsh text)
- s. 197(1) words omitted by [2022 c. 31 Sch. 4 para. 225\(b\)\(i\)](#) (Amendment to Welsh text)
- s. 197(1) words substituted by [2022 c. 31 Sch. 1 para. 31\(b\)](#) (Amendment to Welsh text)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 162(4)(ga) inserted by [2022 asc 1 Sch. 4 para. 30\(2\)\(b\)](#)
- s. 163(4A) inserted by [2014 c. 23 s. 75\(10\)](#) (Effect inserting (4) not applied at s. 163 as it appears to relate to s. 194 in view of the title of the section as cited i.e. "ordinary residence". In s. 194 another (4), identically worded, is inserted on the same date by S.I. 2016/413, regs. 2(1), 316(a))