
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.
- 180.** Omit section 49 (exclusion of nursing care from community care services).
- 181.** Omit section 50 (preserved rights: transfer to local authorities of responsibilities as to accommodation).
- 182.** Omit section 54 (funding by resident of more expensive accommodation).
- 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 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.”
- 184.** Omit section 56 (cross border placements).
- 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)”;

(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).

(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).

- (e) in subsection (3) in each of paragraphs (a) and (g), for “subsection (2) or (2A)” substitute “subsection (2A)”;
- (f) omit subsection (7B).

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”;
 - (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;”.

(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).