
WELSH STATUTORY INSTRUMENTS

2016 No. 413

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

Mental Capacity Act 2005 (c. 9)

- 226.** The Mental Capacity Act 2005 is amended as follows.
- 227.** In section 39(1) (provision of accommodation by local authority), in subsection (2)—
- (a) for paragraph (a) substitute—
 - “(a) Part 4 of the Social Services and Well-being (Wales) Act 2014; or”;
 - (b) omit the words following paragraph (b).
- 228.** In section 64 (interpretation), in the definition of “social services function”—
- (a) after “function” insert
 - “—
 - (a) in relation to England”;
 - (b) at the end insert—
 - “(b) in relation to Wales, has the meaning given in section 143 of the Social Services and Well-being (Wales) Act 2014 (anaw 4).”
- 229.** In paragraph 183 of Schedule A1(2) (deprivation of liberty of hospital or care home residents: ordinary residence for the purpose of identifying supervisory authority)—
- (a) omit sub-paragraphs (1) and (2);
 - (b) after sub-paragraph (2A) insert—
 - “(2B) Section 194(1), (2), (4) and (5) of the Social Services and Well-being (Wales) Act 2014 apply to a determination of where a person is ordinarily resident for the purposes of paragraphs 180, 181 and 182 as it applies for the purposes of that Act.”

(1) Section 39 was amended by [S.I. 2015/914](#), Schedule, paragraphs 78, 79(1) to (4). There are other amendments which are not relevant.

(2) Schedule A1 was inserted by the Mental Health Act [2007 \(c. 12\)](#), Schedule 7.