

Status: Point in time view as at 01/04/2015.

Changes to legislation: Care Act 2014, Cross Heading: Dispute resolution is up to date with all changes known to be in force on or before 26 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1 U.K.

CROSS-BORDER PLACEMENTS

Dispute resolution

- 5 (1) Any dispute about the application of any of paragraphs 1 to 4 to an adult's case is to be determined in accordance with this paragraph.
- (2) If the dispute is between a local authority in England and a local authority in Wales, it is to be determined by the Secretary of State or the Welsh Ministers.
- (3) If the dispute is between a local authority in England and a local authority in Scotland, it is to be determined by the Secretary of State or the Scottish Ministers.
- (4) If the dispute is between a local authority in England and a Health and Social Care trust, it is to be determined by the Secretary of State or the Northern Ireland Department.
- (5) If the dispute is between a local authority in Wales and a local authority in Scotland, it is to be determined by the Welsh Ministers or the Scottish Ministers.
- (6) If the dispute is between a local authority in Wales and a Health and Social Care trust, it is to be determined by the Welsh Ministers or the Northern Ireland Department.
- (7) If the dispute is between a local authority in Scotland and a Health and Social Care trust, it is to be determined by the Scottish Ministers or the Northern Ireland Department.
- (8) In Article 36 of the Health and Personal Social Services (Northern Ireland) Order 1972, after paragraph (2) insert—
- “(2A) Any question under this Order as to the ordinary residence of a person is to be determined by the Department.”
- (9) Regulations must make provision for determining which of the persons concerned is to determine the dispute; and the regulations may, in particular, provide for the dispute to be determined by whichever of them they agree is to do so.
- (10) Regulations may make provision for the determination of disputes between more than two parties.
- (11) Regulations may make further provision about determination of disputes under this paragraph or under regulations under sub-paragraph (10); the regulations may, for example, include—
- provision requiring parties to a dispute to take specified steps before referring the dispute for determination under this paragraph;
 - provision about the procedure for referring the dispute under this paragraph.

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Modifications etc. (not altering text)

- C1** Sch. 1 para. 5 applied by 1968 c. 49, s. 86(2) (as amended (1.4.2015) by Care Act 2014 (c. 23), s. 127(1), Sch. 1 para. 7(2); S.I. 2015/993, art. 2(x)(i) (with transitional provisions in S.I. 2015/995))

Commencement Information

- I1** Sch. 1 para. 5(1)-(8) in force at 1.4.2015 by S.I. 2015/993, art. 2(x)(i) (with transitional provisions in S.I. 2015/995)
- I2** Sch. 1 para. 5(9)-(11) in force at 1.10.2014 for specified purposes by S.I. 2014/2473, art. 2(1)(x)
- I3** Sch. 1 para. 5(9)-(11) in force at 1.4.2015 in so far as not already in force by S.I. 2015/993, art. 2(x)(i) (with transitional provisions in S.I. 2015/995)

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