

## SCHEDULES

### SCHEDULE 1

#### CROSS-BORDER PLACEMENTS

##### *Placements from Wales to England, Scotland or Northern Ireland*

- 2 (1) Where a local authority in Wales is discharging its duty under section 35 of the Social Services and Well-being (Wales) Act 2014 by arranging for the provision of accommodation in England, the adult concerned—
- (a) is to be treated for the purposes of that Act as ordinarily resident in the local authority's area, and
  - (b) is accordingly not to be treated for the purposes of this Part of this Act as ordinarily resident anywhere in England.
- (2) Where a local authority in Wales is arranging for the provision of accommodation in England in the exercise of its power under section 36 of the Social Services and Well-being (Wales) Act 2014—
- (a) the adult concerned is to be treated for the purposes of that Act—
    - (i) in a case where the adult was within the local authority's area immediately before being provided by the local authority with accommodation in England, as remaining within that area;
    - (ii) in a case where the adult was outside but ordinarily resident in the local authority's area immediately before being provided by the local authority with accommodation in England, as remaining outside but ordinarily resident in that area, and
  - (b) the adult concerned is not to be treated for the purposes of this Part of this Act as ordinarily resident anywhere in England (unless the adult was so ordinarily resident immediately before being provided by the local authority with accommodation in England).
- (3) Where a local authority in Wales is discharging its duty under section 35 of the Social Services and Well-being (Wales) Act 2014 by arranging for the provision of accommodation in Scotland—
- (a) the adult is to be treated for the purposes of that Act as ordinarily resident in the local authority's area, and
  - (b) no duty under Part 2 of the Social Work (Scotland) Act 1968 or sections 25 to 27 of the Mental Health (Care and Treatment) (Scotland) Act 2003 applies in the adult's case.
- (4) Where a local authority in Wales is arranging for the provision of accommodation in Scotland in the exercise of its power under section 36 of the Social Services and Well-being (Wales) Act 2014—
- (a) the adult concerned is to be treated for the purposes of that Act—

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*Status: This is the original version (as it was originally enacted).*

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- (i) in a case where the adult was within the local authority’s area immediately before being provided by the local authority with accommodation in Scotland, as remaining within that area;
  - (ii) in a case where the adult was outside but ordinarily resident in the local authority’s area immediately before being provided by the local authority with accommodation in Scotland, as remaining outside but ordinarily resident in that area, and
  - (b) no duty under Part 2 of the Social Work (Scotland) Act 1968 or sections 25 to 27 of the Mental Health (Care and Treatment) (Scotland) Act 2003 applies in the adult’s case.
- (5) But paragraph (b) of sub-paragraph (4) does not prevent a duty mentioned in that paragraph from applying in the case of an adult who was ordinarily resident in Scotland immediately before being provided by the local authority with accommodation in Scotland.
- (6) Where a local authority in Wales is discharging its duty under section 35 of the Social Services and Well-being (Wales) Act 2014 by arranging for the provision of accommodation in Northern Ireland—
- (a) the adult is to be treated for the purposes of that Act as ordinarily resident in the local authority’s area, and
  - (b) no duty under the Health and Personal Social Services (Northern Ireland) Order 1972 or the Health and Social Care (Reform) Act (Northern Ireland) 2009 to provide or secure the provision of accommodation or other facilities applies in the adult’s case.
- (7) Where a local authority in Wales is arranging for the provision of accommodation in Northern Ireland in the exercise of its power under section 36 of the Social Services and Well-being (Wales) Act 2014—
- (a) the adult concerned is to be treated for the purposes of that Act—
    - (i) in a case where the adult was within the local authority’s area immediately before being provided by the local authority with accommodation in Northern Ireland, as remaining within that area;
    - (ii) in a case where the adult was outside but ordinarily resident in the local authority’s area immediately before being provided by the local authority with accommodation in Northern Ireland, as remaining outside but ordinarily resident in that area, and
  - (b) no duty under the Health and Personal Social Services (Northern Ireland) Order 1972 or the Health and Social Care (Reform) Act (Northern Ireland) 2009 to provide or secure the provision of accommodation or other facilities applies in the adult’s case.
- (8) But paragraph (b) of sub-paragraph (7) does not prevent a duty mentioned in that paragraph from applying in the case of an adult who was ordinarily resident in Northern Ireland immediately before being provided by the local authority with accommodation in Northern Ireland.
- (9) Regulations may make further provision in relation to arrangements of the kind referred to in this paragraph.
- (10) The regulations may specify circumstances in which, in a case within sub-paragraph (3) or (4), specified duties under Part 2 of the Social Work (Scotland) Act

1968 are nonetheless to apply in the case of the adult concerned (and paragraph (b) of each of those sub-paragraphs is to be read accordingly).