



Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

Duties and powers to meet needs

VALID FROM 01/04/2015

21 Exception for persons subject to immigration control

- (1) A local authority may not meet the needs for care and support of an adult to whom section 115 of the Immigration and Asylum Act 1999 (“the 1999 Act”) (exclusion from benefits) applies and whose needs for care and support have arisen solely—
 - (a) because the adult is destitute, or
 - (b) because of the physical effects, or anticipated physical effects, of being destitute.
- (2) For the purposes of subsection (1), section 95(2) to (7) of the 1999 Act applies but with the references in section 95(4) and (5) to the Secretary of State being read as references to the local authority in question.
- (3) But, until the commencement of section 44(6) of the Nationality, Immigration and Asylum Act 2002, subsection (2) is to have effect as if it read as follows—
 - “(2) For the purposes of subsection (1), section 95(3) and (5) to (8) of, and paragraph 2 of Schedule 8 to, the 1999 Act apply but with references in section 95(5) and (7) and that paragraph to the Secretary of State being read as references to the local authority in question.”
- (4) The reference in subsection (1) to meeting an adult's needs for care and support includes a reference to providing care and support to the adult in order to meet a carer's needs for support.

Status: Point in time view as at 01/10/2014. This version of this provision is not valid for this point in time.

Changes to legislation: Care Act 2014, Section 21 is up to date with all changes known to be in force on or before 18 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)

(5) For the purposes of its application in relation to the duty in section 2(1) (preventing needs for care and support), this section is to be read as if—

(a) for subsection (1) there were substituted—

“(1) A local authority may not perform the duty under section 2(1) in relation to an adult to whom section 115 of the Immigration and Asylum Act 1999 (“the 1999 Act”) (exclusion from benefits) applies and whose needs for care and support have arisen, or for whom such needs may in the future arise, solely—

(a) because the adult is destitute, or

(b) because of the physical effects, or anticipated physical effects, of being destitute.”, and

(b) subsection (4) were omitted.

Status:

Point in time view as at 01/10/2014. This version of this provision is not valid for this point in time.

Changes to legislation:

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