

Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, PART 2. (See end of Document for details)

SCHEDULES

SCHEDULE 12

LOCAL AUTHORITY CARE AND SUPPORT

^{F1}^{F2}PART 2

POWERS AND DUTIES OF LOCAL AUTHORITIES IN WALES

Textual Amendments

- F1** Sch. 12 Pt. 2 expires (except for Sch. 12 paras. 19 (in part), 30, 33, 35) (1.8.2021) by virtue of [The Coronavirus Act 2020 \(Early Expiry: Local Authority Care and Support\) \(Wales\) Regulations 2021 \(S.I. 2021/850\)](#), regs. 1(2), **2(a)** (see 2020 c. 7, s. **89(2)(r)**)
- F2** Sch. 12 Pt. 2 suspended (22.3.2021) by [The Coronavirus Act 2020 \(Suspension: Local Authority Care and Support\) \(Wales\) Regulations 2021 \(S.I. 2021/316\)](#), regs. 1(2), **2(a)**

Introductory

- [^{F1}19 (1) In this Part of this Schedule “SSW(W)A 2014” means the Social Services and Well-being (Wales) Act 2014 (anaw 4).
- (2) Expressions used in this Part of this Schedule and in SSW(W)A 2014 have the same meaning in this Part of this Schedule as in that Act.]

Commencement Information

- I1** Sch. 12 para. 19 in force at 1.4.2020 by [S.I. 2020/366](#), **reg. 3**

Assessing needs for care and support

- ^{F1}20
- ^{F1}21
- ^{F1}22
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Duty to carry out financial assessment

- ^{F1}25

Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, PART 2. (See end of Document for details)

Duties to meet needs for care and support

- F126
- F127
- F128
- F129

Charging for meeting needs during emergency period

- 30 (1) This paragraph applies where—
- (a) at any time during an emergency period, a local authority begins to meet needs under section 35 or 40 of SSW(W)A 2014,
 - (b) at that time, the authority would have been entitled to impose a charge under section 59 of that Act for meeting any of those needs, but
 - (c) the authority decided not to carry out an assessment under section 63(2) of that Act before beginning to meet those needs.

In this paragraph “emergency period” means a period for which paragraph 26 or (as the case may be) 27 has effect.

- (2) The local authority is not prevented by that decision from subsequently carrying out an assessment under section 63(2) of SSW(W)A 2014 (whether during or after the emergency period) and deciding to impose a charge for meeting those needs during that period; and nothing in that section is to be taken to prevent the authority from carrying out such an assessment, even though the authority has already begun to meet, or has met, those needs.
- (3) In so far as there is any charge for meeting any needs under section 35 of SSW(W)A 2014 during the emergency period, the fact that condition 3 in that section is not met at the time of the imposition of the charge does not affect anything already done under that section.
- (4) In so far as there is any charge for meeting any needs under section 40 of SSW(W)A 2014 during the emergency period, the fact that condition 3 in that section is not met at the time of the imposition of the charge does not affect anything already done under that section.

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| <p>Commencement Information I2 Sch. 12 para. 30 in force at 1.4.2020 by S.I. 2020/366, reg. 3</p> |
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Care and support plans etc

- F131

Portability of care and support

- F132

- 33 (1) This paragraph applies where—
- (a) paragraph 32 has had effect for any period (“the emergency period”), and
 - (b) the emergency period has ended.

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- (2) Section 56 of SSW(W)A 2014 has effect in the case of an adult with the modifications in sub-paragraphs (3) to (5).
- (3) In subsection (1)—
- (a) the reference to a local authority being notified that a person is going to move to the area of another local authority includes, in the case of an adult who moved to the area of another local authority during the emergency period, a reference to being notified that the adult has moved to that area, and
 - (b) where a local authority is notified that an adult has moved to the area of another local authority by virtue of paragraph (a), the reference to the authority being satisfied that the move is likely to happen is to be disregarded (and accordingly the requirement imposed by subsection (1)(a) does not apply).
- (4) In subsection (2)—
- (a) the reference to a local authority being notified that a person is going to move to the area of that authority includes, in the case of an adult who moved to the area of a local authority during the emergency period, a reference to that authority being notified that the adult has moved to that area, and
 - (b) where a local authority is notified that an adult has moved to the authority's area by virtue of paragraph (a), the reference to the authority being satisfied that the move is likely to happen is to be disregarded (and accordingly the requirement imposed by subsection (2)(a) does not apply).
- (5) The reference in subsection (3) to the day the person moves to the area of a local authority is, in the case of an adult who moved to the area of a local authority during the emergency period, to be read as a reference to the day on which that period ended.

Commencement Information

I3 Sch. 12 para. 33 in force at 1.4.2020 by [S.I. 2020/366, reg. 3](#)

Duties arising before commencement

^{F134}

Guidance

- 35 (1) The Welsh Ministers may issue guidance about how local authorities are to exercise functions under Parts 2 to 5 of SSW(W)A 2014 in consequence of the provision made by this Part of this Schedule.
- (2) A local authority must have regard to any guidance issued under this paragraph.
- (3) A local authority must comply with such guidance issued under this paragraph as the Welsh Ministers direct.
- (4) The Welsh Ministers—
- (a) may from time to time revise any guidance issued under this paragraph;
 - (b) may vary or revoke a direction made under sub-paragraph (3).

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- (5) A local authority may disregard any provision of a code under section 145 of SSW(W)A 2014, so far as it is inconsistent with guidance issued under this paragraph.]

Commencement Information

I4 Sch. 12 para. 35 in force at 1.4.2020 by [S.I. 2020/366](#), **reg. 3**

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