

2015 No. 642

HEALTH SERVICES, ENGLAND

SOCIAL CARE, ENGLAND

The Care and Support (Isles of Scilly) Order 2015

Made - - - - *10th March 2015*

Laid before Parliament *11th March 2015*

Coming into force in accordance with article 1

The Secretary of State makes this Order in exercise of the powers conferred by section 67(6) of the National Health Service and Community Care Act 1990(a), section 2(5) of the Community Care (Residential Accommodation) Act 1992(b) and section 128(4) of the Care Act 2014(c).

Citation and commencement

1. This Order may be cited as the Care and Support (Isles of Scilly) Order 2015 and comes into force on the date that section 1 of the Care Act 2014 (promoting individual well-being) comes into force.

Modification to Parts 1 and 3 of the Care Act 2014 in their application to the Isles of Scilly

2.—(1) The provisions of the Care Act 2014 (“the Act”) specified in paragraph (2), in their application to the Isles of Scilly, have effect as if, in section 1(4) (definition of “local authority”)(d) of the Act, before paragraph (a) there were inserted—

“(za) the Council of the Isles of Scilly,”(e).

(2) The provisions referred to in paragraph (1) are—

- (a) Part 1 (care and support); and
- (b) Chapter 2 of Part 3 (Health Research Authority)(f).

Amendment to the Isles of Scilly (Community Care) Order 1993

3. In article 2 of the Isles of Scilly (Community Care) Order 1993(g)—

- (a) after “local authority”, insert “in England”;

(a) 1990 c.19.
(b) 1992 c.49.
(c) 2014 c.23.
(d) The definition of “local authority” is limited to local authorities in England.
(e) The Council of the Isles of Scilly is constituted under the Isles of Scilly Order 1978 (S.I. 1978/1844).
(f) See section 111(7) of the Act (regulatory practice) as to the reference to a local authority within the meaning of Part 1 of the Act.
(g) S.I. 1993/570.

(b) omit article 2(2)(b).

Signed by authority of the Secretary of State for Health.

10th March 2015

Norman Lamb
Minister of State
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for Part 1 and Chapter 2 of Part 3 of the Care Act 2014 (“the Act”) in their application to the Isles of Scilly, to have effect with a specified modification. It also amends the Isles of Scilly (Community Care) Order 1993 (“the 1993 Order”).

Part 1 of the Act makes provision about care and support for adults and support for carers.

Chapter 2 of Part 3 of the Act makes provision about the Health Research Authority.

Article 2 of the Order inserts a reference to the Council of the Isles of Scilly in section 1(4) of the Act, which defines “local authority”. Accordingly references to “local authority” in Part 1 and Chapter 2 of Part 3 of the Act include the Council of the Isles of Scilly.

Article 3 of the Order amends article 2 of the 1993 Order.

Article 2 of the 1993 Order provides for Part 3 of the National Health Service and Community Care Act 1990 (community care in England and Wales and related functions of local authorities) (“Part 3”) to apply to the Isles of Scilly with the modification that in its application to those Isles, any reference to a local authority is to be construed as including a reference to the Council of the Isles of Scilly. Article 3(a) amends the reference to a local authority so that it refers to a local authority in England. Accordingly, it is a reference to a local authority in England (and not a reference to a local authority in Wales) in Part 3 that is to be construed as including a reference to the Council of the Isles of Scilly.

Article 3(b) amends article 2 of the 1993 Order to omit a reference (to the Community Care (Residential Accommodation) Act 1992) which is no longer necessary.

A full Impact Assessment has not been produced for this instrument as no impact on the private sector or civil society organisations is foreseen.

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