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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under section 198 of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”).

Parts 2 to 6 of the 2014 Act make provision about improving the well-being outcomes for people in Wales who need care and support and carers who need support. These Regulations amend primary legislation that currently underpins the provision of care and support for people and support for carers in Wales.

In general, the primary legislation to be amended which relates to the provision of care and support for adults and carers (“the current community care legislation”) applies only in relation to Wales. The amendments made in these Regulations will mean that the current community care legislation is repealed, or (to the extent that it continues to apply in relation to England) that it will no longer apply in relation to Wales but will continue to apply in relation to England.

In general, the primary legislation which relates to the provision of care and support to children and their families is contained in Part 3 of the Children Act 1989 (“the 1989 Act”). The amendments made in these Regulations will mean that Part 3 of the 1989 Act will no longer apply in relation to Wales but will, however, continue to apply in relation to England.

Part 7 of the 2014 Act makes provision about safeguarding of vulnerable adults and children, including the establishment of Safeguarding Boards for adults and children. These Regulations amend the Children Act 2004 (“the 2004 Act”) to remove the current requirements for the establishment of Local Safeguarding Children Boards in Wales.

Part 8 of the 2014 Act makes provision for social services functions. It introduces Schedule 2, which specifies the social services functions of local authorities. It also makes provision for the appointment of directors of social services, for the making of codes about the exercise of social services functions and for intervention by the Welsh Ministers where a local authority is failing to exercise its social services functions properly. Provision for these matters is currently contained in the Local Authority Social Services Act 1970 (“the 1970 Act”). These Regulations amend the 1970 Act so that it will no longer apply in relation to Wales but will continue to apply in relation to England.

Part 10 of the 2014 Act makes provision for complaints and representations about social services provided or arranged by local authorities. Provision for complaints is currently contained in Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 (“the 2003 Act”) and provision for representations in relation to children is contained in the Part 3 of the 1989 Act. These Regulations will amend the 2003 Act and the 1989 Act to remove the provision for these matters in so far as they relate to Wales.

In general, where a provision in UK primary legislation has been disapplied in relation to England and it is intended that it will no longer apply in relation to Wales, the Regulations provide for that provision to be omitted or (if this applies to a whole Act) repealed. In terms of the extent of that omission or repeal, it can only extend to the jurisdiction of England and Wales and has no effect on that provision in so far as it extends to the jurisdiction of Scotland or the jurisdiction of Northern Ireland.

The Regulations also make consequential and incidental amendments to other primary legislative provisions which refer, for various purposes, to the current community care legislation, the 1989 Act, the 2004 Act, the 1970 Act or the 2003 Act. These amendments make, in respect of Wales, provision which reflects the new provisions in the 2014 Act.

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

The Schedule contains transitional and saving provisions in connection with the amendments made by the Regulations.