
WELSH STATUTORY INSTRUMENTS

2016 No. 413 (W. 131)

SOCIAL CARE, ENGLAND AND WALES

**The Social Services and Well-being (Wales) Act
2014 (Consequential Amendments) Regulations 2016**

Made - - - - 19 March 2016

Coming into force in accordance with Regulation 2

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 198 of the Social Services and Well-being (Wales) Act 2014(1).

A draft of these Regulations was laid before the National Assembly for Wales under section 196(6) of that Act and has been approved by a resolution of the National Assembly for Wales.

Title

1. The title of these Regulations is the Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016.

Commencement

2.—(1) These Regulations come into force on 6 April 2016 subject to paragraphs (2) to (6).

(2) Regulation 140 comes into force on the day that section 85D of the Further and Higher Education Act 1992(2) comes into force.

(3) Regulation 158 comes into force on the day that section 562J of the Education Act 1996(3) comes into force.

(4) Regulation 235 comes into force on the day that section 93A of the Education and Inspections Act 2006(4) comes into force.

(5) Regulation 253 comes into force on the day that the amendment to section 6 of the Safeguarding Vulnerable Groups Act 2006(5) made by paragraph 8 of Schedule 14 to the Health and Social Care Act 2008(6) comes into force.

(1) 2014 anaw 4.
(2) 1992 c. 13.
(3) 1996 c. 56
(4) 2006 c. 40
(5) 2006 c. 47
(6) 2008 c. 14

(6) Regulations 322 and 323 come into force immediately after the amendment to the Social Services and Well-being (Wales) Act 2014, which inserts into that Act, Schedule A1 (Direct Payments: After-care Under the Mental Health Act 1983), made by paragraph 1 of Part 2 of Schedule 4 to the Care Act 2014(7), comes into force.

Children and Young Persons Act 1933 (c. 12)

3. The Children and Young Persons Act 1933 is amended as follows.
4. In section 34(7A)(8) (attendance at court of parent of child or young person charged with an offence etc.) after “Children Act 1989” insert “or section 76 of the Social Services and Well-being (Wales) Act 2014”.
5. In section 34A(9) (attendance at court of parent or guardian) in subsection (2)(b) after “1970” insert “or the Social Services and Well-being (Wales) Act 2014”.

National Assistance Act 1948 (c. 29)

6. The National Assistance Act 1948 is amended as follows.
7. In section 1 (replacement of application of poor law by certain provisions of the Act), omit the words from the first “and” to the end.
8. Omit Part 3.
- 9.—(1) Omit Part 4 except sections 49 and 68.
- (2) In section 49(10) (expenses of council officers acting as receivers) for “any such council as is referred to in section 48(4) of this Act, other than one in Wales,” substitute “a county council in England, a district council for an area in England for which there is no county council, a London borough council or the Common Council of the City of London,”.

Disabled Persons (Employment) Act 1958 (c. 33)

10. The Disabled Persons (Employment) Act 1958 is amended as follows.
11. In section 3 (provision of sheltered employment by local authorities)—
 - (a) in subsection (1), after the words “A local authority” insert “in England or Scotland”;
 - (b) in subsection (2)(11), omit “section twenty-nine of the National Assistance Act 1948 or under paragraph 2 of Schedule 15 to the National Health Service (Wales) Act 2006, or”;
 - (c) in subsection (5)(12), omit “and in relation to Wales, the council of a county or county borough”.
12. Omit the Schedule.

(7) 2014 c. 23

(8) Section 34 was substituted by the Children and Young Persons Act 1963 (c. 37), section 25(1). Subsection (7A) was inserted by the Children Act 1989, Schedule 13, paragraph 6.

(9) Section 34A was inserted by the Criminal Justice Act 1991 (c. 53), section 56.

(10) Section 49 was amended by the Social Services and Well-being (Wales) Act 2014, section 192. There are other amendments which are not relevant.

(11) Section 3(2) was amended by the National Health Service (Consequential Provisions) Act 2006 (c. 43), section 2, Schedule 1, paragraphs 18 and 19 and S.I. 2015/914, Schedule, paragraph 11.

(12) Section 3(5) was amended by the Local Government (Wales) Act 1994 (c. 19) sections 22(4) and 66(8), Schedule 10, paragraph 3 and Schedule 18. There are other amendments which are not relevant.

Health Services and Public Health Act 1968 (c. 46)

- 13.** The Health Services and Public Health Act 1968 is amended as follows.
- 14.** Omit section 45 (promotion by local authorities of the welfare of old people).
- 15.** In section 63(8) (provision of instruction in certain activities connected with health or welfare), in the definition of “the relevant enactments”—
- (a) in paragraph (a)(**13**) after “2006” insert “or for the purposes of the Social Services and Well-being (Wales) Act 2014”;
 - (b) in paragraph (b)(**14**)—
 - (i) omit “Part III of the National Assistance Act 1948”;
 - (ii) omit “section 45 of this Act and”;
 - (iii) after “2006 Acts” insert “and Part 4 of the Social Services and Well-being (Wales) Act 2014”.
- 16.** In section 64 (financial assistance by Ministers to certain voluntary organisations), in subsection (3)(a)—
- (a) omit sub-paragraph (iii);
 - (b) after sub-paragraph (xxii) insert—
“(xxiii) section 15 and Part 4 of the Social Services and Well-being (Wales) Act 2014;”.
- 17.** In section 65 (financial assistance by local authorities to certain voluntary organisations), in subsection (3)(b)—
- (a) omit sub-paragraph (iii);
 - (b) after sub-paragraph (xxii) insert—
“(xxiii) section 15 and Part 4 of the Social Services and Well-being (Wales) Act 2014;”.

Administration of Justice Act 1970 (c. 31)

- 18.** In Schedule 8 of the Administration of Justice Act 1970 (maintenance orders for the purposes of Part 2 of the Act and the 1958 Act), in paragraph 6(a) after “Children Act 1989” insert “or under paragraph 3 of Schedule 1 to the Social Services and Well-being (Wales) Act 2014”.

Local Authority Social Services Act 1970 (c. 42)

- 19.** The Local Authority Social Services Act 1970 is amended as follows.
- 20.** In section 1(**15**) (local authorities)—
- (a) for “the councils of non-metropolitan counties, metropolitan districts and London boroughs” substitute “the councils of non-metropolitan counties and metropolitan districts in England, the councils of London boroughs”;
 - (b) omit from “but, in relation to Wales” to the end.
- 21.** In section 6 (director of social services)—

(13) Paragraph (a) was amended by the Health and Medicines Act 1988 (c. 49), section 20, by the Children Act 2004 (c. 31), section 55(3), by the National Health Service Act 1977 (c. 49), section 129, Schedule 15, paragraph 45 and by the National Health Service (Consequential Provisions) Act 2006 (c. 43), section 2, Schedule 1, paragraphs 33 and 38(e)(ii).

(14) Paragraph (b) was amended by the National Health Service Act 1977, section 129, Schedule 15, paragraph 45 and by the National Health Service (Consequential Provisions) Act 2006, section 2, Schedule 1, paragraphs 33 and 38(e)(iii).

(15) Section 1 was amended by the Local Government Act 1972 (c. 70), section 195(1), (3) and by the Local Government (Wales) Act 1994 (c. 19), section 22(4), Schedule 10, paragraph 7.

- (a) in subsection (A1)(16) omit “in England”;
- (b) omit subsection (1);
- (c) in subsection (2)(17), in both places where it occurs, omit “or (as the case may be) social services”.

22. In section 13 (orders and regulations), omit subsection (5).

23. The amendments made by these Regulations to section 1 of the Local Authority Social Services Act 1970 do not affect the operation of any order under section 9(1) of that Act made before the coming into force of those amendments.

24. In Schedule 1(18)—

- (a) omit the entries relating to the National Assistance Act 1948, except the entry relating to section 49 of that Act;
- (b) in the entry relating to the Health Visiting and Social Work (Training) Act 1962(19) omit “, and as extended by section 45(9) of the Health Services and Public Health Act 1968 (c. 46)”;
- (c) in the entry relating to the Health Services and Public Health Act 1968 omit the reference to section 45;
- (d) omit the entry relating to the Social Work (Scotland) Act 1968(20);
- (e) omit the entry relating to the Children Act 1975(21);
- (f) omit the entry relating to the Supplementary Benefits Act 1976(22);
- (g) omit the entry relating to the Health and Social Services and Social Security Adjudications Act 1983(23);
- (h) in the entry relating to the Disabled Persons (Services, Consultation and Representation) Act 1986(24)—
 - (i) for “1 to 4” substitute “1, 2 and 4”;
 - (ii) for “, 7 and 8” substitute “and 7”;
- (i) in the entry relating to the National Health Service and Community Care Act 1990(25), omit—

“Section 46	Preparation of plans for community care services”;
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- (j) omit the reference to the Carers and Disabled Children Act 2000(26);

(16) Subsection (A1) was inserted by the Children Act 2004, section 18(9), (10), Schedule 2, paragraph 2(1), (2)(a).

(17) Subsection (2) was amended by the Children Act 2004, section 18(9), (10), Schedule 2, paragraph 2(1), (2)(c).

(18) In Schedule 1, the entry relating to the Health Services and Public Health Act 1968 was amended by the National Health Service Act 1977 (c. 49), section 129, Schedule 16, and by the National Health Service Reorganisation Act 1973 (c.32), section 57, Schedule 4, paragraph 131; the entry relating to the Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33) was inserted by the Local Government Act 2000 (c. 22), section 107, Schedule 5, paragraph 7 and amended by S.I. 2010/1158; the entry relating to the National Health Service and Community Care Act 1990 (c. 19) was inserted by Schedule 9, paragraph 11 of that Act; the entry relating to the Community Care (Delayed Discharges etc.) Act 2003 (c. 5) was inserted by section 13 of that Act and amended by the Personal Care at Home Act 2010 (c. 18), section 1; the entry relating to the Children Act 2004 (c. 31) was inserted by section 56 of that Act and amended by the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 195(3)(a).

(19) 1962 c. 33.

(20) 1968 c. 49.

(21) 1975 c. 72.

(22) 1976 c. 71.

(23) 1983 c. 41.

(24) 1986 c. 33.

(25) 1990 c. 19.

(26) 2000 c. 16.

- (k) in the entry relating to the Community Care (Delayed Discharges etc.) Act 2003(27), omit—

“Part 2

Functions imposed by regulations relating to eligibility for free provision of personal care to persons living at home.

- (l) omit the entry relating to Carers (Equal Opportunities) Act 2004(28);
- (m) in Column 1 of the entry relating to the Children Act 2004(29) for “, 13 to 16 and 31 to 34” substitute “and 13 to 16”;
- (n) omit the entry relating to the National Health Service (Wales) Act 2006(30);
- (o) omit the entry relating to the Children and Families (Wales) Measure 2010(31);
- (p) omit the entry relating to the Social Care Charges (Wales) Measure 2010(32);
- (q) omit the entry relating to the Carers Strategies (Wales) Measure 2010(33);
- (r) omit the entry relating to the Mental Health (Wales) Measure 2010(34).

Chronically Sick and Disabled Persons Act 1970 (c. 44)

25. The Chronically Sick and Disabled Persons Act 1970 is amended as follows.
26. In section 1 (information as to need for and existence of welfare services), omit subsections (1) and (2).
27. In section 2 (provision of welfare services) omit subsection (1).
28. Omit section 28A (application of Act to authorities having functions under the Children Act 1989).

Attachment of Earnings Act 1971 (c. 32)

29. In Schedule 1 to the Attachment of Earnings Act 1971 (maintenance orders to which the Act applies), in paragraph 7(35) after “Children Act 1989” insert “, paragraph 3 of Schedule 1 to the Social Services and Well-being (Wales) Act 2014,”.

Local Government Act 1972 (c. 70)

30. In section 112 of the Local Government Act 1972 (appointment of staff), in subsection (4) (g) at the end insert “or section 144 of the Social Services and Well-being (Wales) Act 2014”.

Land Compensation Act 1973 (c. 26)

31. In section 38 of the Land Compensation Act 1973 (amount of disturbance payment for persons who do not have compensatable interests), in subsection (3), in paragraph (a)(36), for

(27) 2003 c. 5.

(28) 2004 c. 15.

(29) 2004 c. 31.

(30) 2006 c. 42.

(31) 2010 nawm 1.

(32) 2010 nawm 2.

(33) 2010 nawm 5.

(34) 2010 nawm 7.

(35) Paragraph 7 was amended by the Children Act 1989, Schedule 13, paragraph 29.

(36) Section 38(3)(a) was amended by S.I. 2015/914, Schedule, paragraph 24.

“section 29 of the National Assistance Act 1948” substitute “Part 4 of the Social Services and Well-being (Wales) Act 2014”.

Reserve Forces Act 1980 (c. 9)

32. Schedule 2 to the Reserve Forces Act 1980 (army and air-force pensioners and other former soldiers not liable to be recalled for service) is amended as follows—

- (a) in paragraph 2A(37) after “2014” insert “or section 18(1) of the Social Services and Well-being (Wales) Act 2014”;
- (b) omit paragraph 3(a).

Magistrates’ Court Act 1980 (c. 43)

33. In section 62(5)(a) of the Magistrates’ Court Act 1980(38) (provisions as to payments required to be made to a child etc.) after “Children Act 1989” insert “or section 74 of the Social Services and Well-being (Wales) Act 2014”.

Senior Courts Act 1981 (c. 54)

34. In Schedule 1 to the Senior Courts Act 1981 (distribution of business in High Court) in paragraph 3 after sub-paragraph (eb) insert—

- “(ec) proceedings under Part 6 of the Social Services and Well-being (Wales) Act 2014.”.

Mental Health Act 1983 (c. 20)

35. The Mental Health Act 1983 is amended as follows.

36. In section 117B(39) (after-care: exception for provision of nursing care), in subsection (1) omit “in England”.

37. In section 135(40) (warrant to search for and remove patients to place of safety), in subsection (6) for “Part III of the National Assistance Act 1948” substitute “Part 4 of the Social Services and Well-being (Wales) Act 2014”.

Health and Social Services and Social Security Adjudications Act 1983 (c. 41)

38. The Health and Social Services and Social Security Adjudications Act 1983 is amended as follows.

39. In section 17 (charges for local authority services in England and Wales)—

- (a) omit subsections (2A)(41) and (5);
- (b) in paragraph (a) of subsection (3) omit “or a service within subsection (2A)(42)”;
- (c) in the heading to the section, omit the words “and Wales”.

40. In section 22 (arrears of contributions charged on interest in land in England and Wales)—

(37) Paragraph 2A was inserted by [S.I. 2015/914](#), Schedule, paragraph 26.

(38) Section 62(5) was substituted by the Children Act 1989, section 108(5), Schedule 13, paragraph 44(2).

(39) Section 117B was inserted by [S.I. 2015/914](#), Schedule, paragraphs 27, 28.

(40) Section 135(6) was amended by [S.I. 2015/914](#), Schedule, paragraphs 27, 29. There are other amendments which are not relevant.

(41) Section 17(2A) was inserted, in relation to Wales, by the Social Care Charges (Wales) Measure 2010, section 14(1), (4).

(42) Section 17(3)(a) was amended by [S.I. 2015/914](#), Schedule, paragraphs 30, 31(1), (4).

(a) after subsection (2B)(43) insert—

“(2C) A local authority in Wales may not create, or be required by directions under subsection (2A) to create, a charge under this section on or after the day on which section 2 of the Social Services and Well-being (Wales) Act 2014 came into force.”;

(b) after subsection (3A)(44) insert—

“(3B) Subject to subsection (5) below, a charge under this section created by a local authority in Wales shall be in respect of any amount which is outstanding from time to time and is—

(a) assessed as due to be paid by the person to the authority for the Part III accommodation, or

(b) due by the person to the authority under Part 5 of the Social Services and Well-being (Wales) Act 2014 in respect of meeting needs for care and support by the provision of accommodation for the person, including anything provided in connection with that accommodation.”;

(c) in subsection (4)(45) omit “Wales or”.

Public Health (Control of Disease) Act 1984 (c. 22)

41. In section 46 of the Public Health (Control of Disease) Act 1984 (burial and cremation), for subsection (2)(46) substitute—

“(2) Any council which is the local authority for the purposes of the Local Authority Social Services Act 1970 may cause to be buried or cremated the body of any deceased person who immediately before his death was being provided with accommodation under Part 1 of the Care Act 2014.

(2A) A local authority within the meaning of the Social Services and Well-being (Wales) Act 2014 may cause to be buried or cremated the body of any deceased person who immediately before his death was being provided with accommodation under Part 4 of that Act.”

Matrimonial and Family Proceedings Act 1984 (c. 42)

42. In section 31L(8)(a)(i) of the Matrimonial and Family Proceedings Act 1984(47) (enforcement) after “Children Act 1989” insert “or section 74 of the Social Services and Well-being (Wales) Act 2014”.

Transport Act 1985 (c. 67)

43. The Transport Act 1985 is amended as follows.

44. In section 104 (travel concessions) in subsection (2)(b)(48), for paragraph (ii) substitute—

“(ii) by any local authority within the meaning of the Social Services and Well-being (Wales) Act 2014 in the discharge of their functions under Part 4 of that Act (meeting needs).”

45. In section 137(1) (general interpretation), in the definition of “social services functions” at the end insert “or the Social Services and Well-being (Wales) Act 2014”.

(43) Section 22(2B) was inserted by S.I. 2015/914, Schedule, paragraphs 30, 32(1), (2).

(44) Section 22(3A) was inserted by S.I. 2015/914, Schedule, paragraphs 30, 32(1), (3).

(45) Section 22(3) was amended by S.I. 2015/914, Schedule, paragraphs 30, 32(1), (4).

(46) Section 46(2) was amended by S.I. 2015/914, Schedule, paragraph 34(a) and (b).

(47) Section 31L was inserted by the Crime and Courts Act 2013 (c. 22), Schedule 10, paragraph 1.

(48) Section 104(2)(b) was amended by S.I. 2015/914, Schedule, paragraph 35.

Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

46. The Disabled Persons (Services, Consultation and Representation) Act 1986 is amended as follows.

47. In section 2(5) (rights of authorised representatives of disabled persons)—

- (a) in paragraph (b)(**49**), for “Part III of the 1948 Act or Part 1 of the Care Act 2014” substitute “Part 1 of the Care Act 2014 or Part 4 of the Social Services and Well-being (Wales) Act 2014”;
- (b) in paragraph (bb)(**50**) after “Part III of the Children Act 1989” insert “, or under Part 6 of the Social Services and Well-being (Wales) Act 2014”;
- (c) in paragraph (c)(**51**), for “section 26 of the 1948 Act or Part 1 of the Care Act 2014” substitute “Part 1 of the Care Act 2014 or, in Wales, in compliance with a local authority’s duty to meet the needs of the disabled person pursuant to Part 4 of the Social Services and Well-being (Wales) Act 2014”; and
- (d) in paragraph (cc)(**52**) after “under section 17 of the Children Act 1989” insert “, or under Part 4 of the Social Services and Well-being (Wales) Act 2014”.

48. In section 3 (assessment by local authorities in Wales or Scotland of needs of disabled persons)—

- (a) in subsection (1)(**53**) omit “Wales or”;
- (b) in the heading to the section(**54**) omit “Wales or”.

49. In section 4(**55**) (services under section 2 of the Chronically Sick and Disabled Persons Act 1970: duty to consider needs of disabled persons)—

- (a) in subsection (1)—
 - (i) after “local authority” insert “in England”;
 - (ii) for “section 2(1) or (4)” substitute “section 2(4)”;
- (b) in subsection (2) omit “In the case of a local authority in England”.

50. In section 8 (duty of local authority in Wales or Scotland to take into account abilities of carer)—

- (a) in subsection (1)(b)(**56**) omit “Wales or”;
- (b) in the heading to the section(**57**) omit “Wales or”.

51. In section 16(1) (interpretation)

- (a) in the definition of “disabled person”, for paragraph (a)(**58**) substitute—
 - “(a) in relation to Wales means a person who is disabled within the meaning of section 3 of the Social Services and Well-being (Wales) Act 2014; and”;
- (b) in the definition of “local authority”—
 - (i) after “1970” insert “or the Social Services and Well-being (Wales) Act 2014”;

(49) Section 2(5)(b) was amended by [S.I. 2015/914](#), Schedule, paragraphs 36, 37(a).

(50) Section 2(5)(bb) was inserted by the Children Act 1989, Schedule 13, paragraph 59(3).

(51) Section 2(5)(c) was amended by [S.I. 2015/914](#), Schedule, paragraphs 36, 37(b).

(52) Section 2(5)(cc) was inserted by the Children Act 1989, Schedule 13, paragraph 59(4).

(53) Section 3(1) was amended by [S.I. 2015/914](#) Schedule, paragraphs 36, 38(1).

(54) The heading to section 3 was amended by [S.I. 2015/914](#), Schedule, paragraphs 36, 38(2).

(55) Section 4 was amended by [S.I. 2015/914](#), Schedule, paragraphs 36, 39(1), (2), (3) and (4).

(56) Section 8(1)(b) was amended by [S.I. 2015/914](#), Schedule, paragraphs 36, 40(1).

(57) The heading to section 8 was amended by [S.I. 2015/914](#), Schedule, paragraphs 36, 40(2).

(58) Paragraph (a) in the definition of “disabled person” was amended by the Children Act 1989, Schedule 13, paragraph 61 and by [S.I. 2015/914](#), Schedule, paragraphs 36, 41(1), (3).

- (ii) for “that Act” substitute “the 1970 Act”;
- (c) in the definition of “the welfare enactments”—
 - (i) omit “Part III of the 1948 Act, section 2 of the 1970 Act and”;
 - (ii) in paragraph (za)(59), after “England,” insert “section 2 of the 1970 Act.”;
 - (iii) in paragraph (a)(60), for the words from “Schedule 15” to the end of the paragraph insert “Parts 4 and 6 of the Social Services and Well-being (Wales) Act 2014”;
- (d) for subsection (2)(61) substitute—
 - “(2) In this Act as it applies in relation to England, any reference to a child who is looked after by a local authority has the same meaning as in Part 3 of the Children Act 1989.
 - (2ZA) In this Act as it applies in relation to Wales, any reference to a child who is looked after by a local authority has the same meaning as in Part 6 of the Social Services and Well-being (Wales) Act 2014.”

Local Government Finance Act 1988 (c. 41)

52.—(1) In Schedule 5 to the Local Government Finance Act 1988 (non-domestic rating: exemption), paragraph 16 is amended as follows.

- (2) For sub-paragraph (2)(62) substitute—
 - “(2) For the purposes of this paragraph in its application to hereditaments in Wales, a person is disabled if he is disabled within the meaning of section 3 of the Social Services and Well-being (Wales) Act 2014.”
- (3) For sub-paragraph (4)(63) substitute—
 - “(4) “Welfare services for disabled persons” means services or facilities (by whomsoever provided)—
 - (a) of a kind which a local authority in England had power to provide under section 29 of the National Assistance Act 1948 before it ceased to apply to local authorities in England;
 - (b) of a kind which a local authority in Wales has power to provide, or arrange to provide, to an adult in the exercise of its functions under sections 35 or 36 of the Social Services and Well-being (Wales) Act 2014.”

Social Security Act 1989 (c. 24)

53. The Social Security Act 1989 is amended as follows.

54. In Schedule 5—

- (a) in paragraph 5A(7A)(a)(64) (unfair paternity leave provisions) after “Children Act 1989” insert “or section 81 of the Social Services and Well-being (Wales) Act 2014”;
- (b) for paragraph 5A(7A)(b) substitute—

(59) Paragraph (za) in the definition of “welfare enactments” was inserted by [S.I. 2015/914](#), Schedule, paragraphs 36, 41(1), (4).
(60) Paragraph (a) in the definition of “welfare enactments” was amended by [S.I. 2015/914](#), Schedule, paragraphs 36, 41(1), (5) and by the Children Act 1989, Schedule 13, paragraph 61.
(61) Section 16(2) was inserted by the Children Act 1989, Schedule 13, paragraph 61.
(62) Sub-paragraph (2) was amended by [S.I. 2015/914](#), Schedule, paragraph 42(1) and (3).
(63) Sub-paragraph (4) was amended by [S.I. 2015/914](#), Schedule, paragraph 42(1) and (4).
(64) Paragraph 5A was inserted by the Pensions Act 2004, section 265(1) and sub-paragraph (7A) was inserted by the Children and Families Act 2014, Schedule 7, paragraphs 1, 2(1), (5).

- “(b) in relation to that child, the member satisfies the conditions prescribed under section 171ZB(2)(a)(i) and (ii) of the Social Security Contributions and Benefits Act 1992, as modified—
- (i) in relation to a local authority in England, by section 171ZB(8) of that Act (cases involving the placing of a child by a local authority in England with a local authority foster parent who has been approved as a prospective adopter);
 - (ii) in relation to a local authority in Wales, by section 171ZB(10) of that Act (cases involving the placing of a child by a local authority in Wales with a local authority foster parent who has been approved as a prospective adopter)”;
- (c) in paragraph 5B(7)(a)(65) (unfair adoption leave provisions) after “Children Act 1989” insert “or section 81 of the Social Services and Well-being (Wales) Act 2014”;
- (d) for paragraph 5B(7)(b) substitute—
- “(b) in relation to that child, the member satisfies the condition in section 171ZL(2) (a) of the Social Security Contributions and Benefits Act 1992, as modified—
- (i) in relation to a local authority in England, by section 171ZL(9) of that Act (cases involving the placing of a child by a local authority in England with a local authority foster parent who has been approved as a prospective adopter);
 - (ii) in relation to a local authority in Wales, by section 171ZL(11) of that Act (cases involving the placing of a child by a local authority in Wales with a local authority foster parent who has been approved as a prospective adopter).”;
- (e) for paragraph 5C(8)(a)(66) (unfair shared parental leave provisions) substitute—
- “(a) the member’s absence from work is due to the placement of a child under—
- (i) section 22C of the Children Act 1989 by a local authority in England, or
 - (ii) section 81 of the Social Services and Well-being (Wales) Act 2014 by a local authority in Wales,
- with a local authority foster parent who has been approved as a prospective adopter.”;
- (f) in paragraph 5C(8)(b)(i) after “Children Act 1989” insert “or section 81 of the Social Services and Well-being (Wales) Act 2014”;
- (g) in paragraph 5C(8)(b)(ii) after “England” insert “or Wales”.

Children Act 1989 (c. 41)

55. The Children Act 1989(67) is amended as follows.

56. In subsection (11) of section 14F(68) (special guardianship support services)—

- (a) after “local authority” in the first place it occurs insert “in England”;

(65) Paragraph 5B was inserted by the Pensions Act 2004, section 265(1) and sub-paragraph (7) was inserted by the Children and Families Act 2014, Schedule 7, paragraphs 1, 3(1), (3).

(66) Paragraph 5C was inserted by the Children and Families Act 2014, Schedule 7, paragraphs 1, 4.

(67) 1989 c. 41 (“the 1989 Act”). The functions of the Secretary of State under the 1989 Act were transferred to the National Assembly for Wales by virtue of the inclusion of the 1989 Act in the Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales under the 1989 Act have been transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(68) Section 14F was inserted by the Adoption and Children Act 2002 (c. 38), section 115(1).

- (b) at the end of the subsection insert “and see sections 164 and 164A of the Social Services and Well-being (Wales) Act 2014 for provision about co-operation between local authorities in Wales and other bodies.”

57.—(1) After the heading in Part 3 insert—

“Application to local authorities in England

Application to local authorities in England

16B.—(1) This Part applies in relation to local authorities in England.

(2) Accordingly, unless the contrary intention appears, a reference in this Part to a local authority means a local authority in England.”

(2) For the heading to Part 3 substitute—

*“SUPPORT FOR CHILDREN AND FAMILIES
PROVIDED BY LOCAL AUTHORITIES IN ENGLAND”.*

58. In section 17 (provision of services for children in need, their families and others)—

- (a) in subsection (4)(**69**) for “appropriate national authority” substitute “Secretary of State”;
(b) at the end of the section insert—

“(13) The duties imposed on a local authority by virtue of this section do not apply in relation to a child in the authority’s area who is being looked after by a local authority in Wales in accordance with Part 6 of the Social Services and Well-being (Wales) Act 2014.”

59. In section 17ZA(**70**) (young carers’ needs assessments: England)—

- (a) in subsection (1) omit “in England”;
(b) in subsection (12) omit “in England”;
(c) in the heading omit “: England”.

60. In section 17ZD(**71**) (parent carers’ needs assessments: England)—

- (a) in subsection (1) omit “in England”;
(b) in subsection (14) omit “in England”;
(c) in the heading omit “: England”.

61. In section 17ZG(1)(a)(**72**) (section 17 services: continued provision where EHC plan is maintained) omit “in England”.

62. In section 17ZH(**73**) (section 17 services: transition for children to adult care and support)—

- (a) in subsection (1) omit “in England”;
(b) in subsection (5) omit “in England”.

63. In section 17ZI(1) (section 17 services: provision after EHC plan no longer maintained) omit “in England”.

(69) Section 17(4) was inserted by the Children and Young Persons Act 2008 (c. 23), section 39, Schedule 3, paragraphs 1 and 2..

(70) Section 17ZA was inserted (and applies to local authorities in England only) by the Children and Families Act 2014 (c. 6), section 96(1).

(71) Section 17ZD was inserted (and applies to local authorities in England only) by the Children and Families Act 2014, section 97(1).

(72) Section 17ZG was inserted by the Children and Families Act 2014, section 50.

(73) Sections 17ZH and 17ZI were inserted by the Care Act 2014 (c. 23), section 66(1).

64. In section 17A(1)(**74**) (direct payments) for “appropriate national authority” substitute “Secretary of State”.

65. Omit section 17B(**75**) (vouchers for persons with parental responsibility for disabled children).

66. In section 18(**76**) (day care for pre-school and other children)—

- (a) omit subsection (2);
- (b) omit subsection (6).

67. In section 20 (provision of accommodation for children: general)—

- (a) in subsection (2)(b) after “prescribed” insert “in regulations made by the Secretary of State”;
- (b) after subsection (2) insert—

“(2A) Where a local authority in Wales provide accommodation under section 76(1) of the Social Services and Well-being (Wales) Act 2014 (accommodation for children without parents or who are lost or abandoned etc.) for a child who is ordinarily resident in the area of a local authority in England, that local authority in England may take over the provision of accommodation for the child within—

- (a) three months of being notified in writing that the child is being provided with accommodation; or
- (b) such other longer period as may be prescribed in regulations made by the Secretary of State.”

68. In section 21(3)(**77**) (provision of accommodation for children in police protection or detention or on remand, etc.)—

- (a) after “local authority” in the first place it occurs insert “or by a local authority in Wales”;
- (b) after “local authority” in the second place it occurs insert “, or local authority in Wales,”.

69. In section 22 (general duty of local authority in relation to children looked after by them)—

- (a) in subsection (1)(**78**) for “In this Act” substitute “In this section”;
- (b) in subsection (3B)(**79**) omit “in England”;
- (c) in subsection (3C) omit “in England”;
- (d) in subsection (7)(**80**)—
 - (i) for “appropriate national authority”, in both places that it appears, substitute “Secretary of State”, and
 - (ii) for “the local authority” substitute “the authority”.

(74) Section 17A was substituted by the Health and Social Care Act 2001 (c. 15), section 58; subsection (1) was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 3. There are other amendments to section 17A which are not relevant.

(75) Section 17B was inserted by the Carers and Disabled Children Act 2000 (c. 16), section 7(1); it was prospectively amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 4, and by S.I. 2015/914, paragraphs 43 and 47(1) of the Schedule.

(76) Section 18 was amended by the Childcare Act 2006 (c. 21), Schedule 2, paragraph 4.

(77) Section 21(3) was amended by the Health and Social Care Act 2012 (c. 7), Schedule 5, paragraphs 47 and 48; by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 5; by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 36(1); by S.I. 2007/961 (W. 85), paragraph 20(1) and (2)(a) of the Schedule, and by S.I. 2000/90, Schedule 1, paragraph 24(1) and (3).

(78) Section 22(1) was amended by the Local Government Act 2000 (c. 22), Schedule 5, paragraph 19; by the Children (Leaving Care) Act 2000 (c. 35), section 2, and by the Adoption and Children Act 2002 (c. 38), section 116(2).

(79) Subsections (3B) and (3C) were inserted by the Children and Families Act 2014 (c. 6), section 99.

(80) Section 22(7) was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 6(c).

70. In section 22C(81) (ways in which looked after children are to be accommodated and maintained)—

- (a) in subsection (9A)(82) omit “are a local authority in England and”;
- (b) in subsection (11) for “appropriate national authority” substitute “Secretary of State”;
- (c) for subsection (12) substitute—

“(12) For the meaning of “local authority foster parent” see section 105(1).”

71. For section 22E(83) (children’s homes provided by appropriate national authority) substitute—

“Children’s homes provided by Secretary of State or Welsh Ministers

22E. Where a local authority place a child they are looking after in a children’s home provided, equipped and maintained by the Secretary of State or the Welsh Ministers under section 82(5), they must do so on such terms as the Secretary of State or the Welsh Ministers (as the case may be) may from time to time determine.”

72. In section 23ZA(3)(a)(84) (duty of local authority to ensure visits to, and contact with, looked after children and others) for “appropriate national authority” substitute “Secretary of State”.

73. In section 23ZB(85) (independent visitors for children looked after by a local authority)—

- (a) in subsection (1)(a) for “appropriate national authority” substitute “Secretary of State”;
- (b) in subsection (9) for “appropriate national authority” substitute “Secretary of State”.

74. In section 23A(86) (the responsible authority and relevant children)—

- (a) in subsection (2)(a) for “by any local authority” substitute “by any local authority in England or by any local authority in Wales”;
- (b) in subsection (3) for “appropriate national authority” substitute “Secretary of State”;
- (c) in subsection (5) for “appropriate national authority”, in both places that it appears, substitute “Secretary of State”.

75. In section 23B(10)(87) (additional functions of the responsible authority in respect of relevant children) for “appropriate national authority” substitute “Secretary of State”.

76. In section 23C(5B)(88) (continuing functions in respect of former relevant children) for “appropriate national authority” substitute “Secretary of State”.

77. In section 23CZA(1)(89) (arrangements for certain former relevant children to continue to live with former foster parents) omit “in England”.

(81) Substituted, together with sections 22A, 22B, 22D to 22F, for section for 23 as originally enacted, by the Children and Young Persons Act 2008 (c. 23), section 8(1).

(82) Subsections (9A) to (9C) were inserted by the Children and Families Act 2014 (c. 6), section 2(1) and (3).

(83) Section 22E was substituted, together with sections 22A to 22D and 22F, for section 23 as originally enacted, by the Children and Young Persons Act 2008 (c. 23), section 8(1).

(84) Section 23ZA was inserted by the Children and Young Persons Act 2008 (c. 23), section 15.

(85) Section 23ZB was inserted by the Children and Young Persons Act 2008 (c. 23), section 16(1).

(86) Section 23A was inserted by the Children (Leaving Care) Act 2000 (c. 35), section 2(1) and (4), and has been amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 8.

(87) Section 23B was inserted by the Children (Leaving Care) Act 2000 (c. 35), section 2(1) and (4), and has been amended by the Children and Young Persons Act 2008 (c. 23), section 22(1) and by Schedule 3, paragraphs 1 and 9 and Schedule 4.

(88) Section 22C was inserted by the Children (Leaving Care) Act 2000 (c. 35), section 2(1) and (4); subsections (5A) to (5C) were inserted by the Children and Young Persons Act 2008 (c. 23), section 21(1) and (2).

(89) Section 23CZA was inserted by the Children and Families Act 2014 (c. 6), section 98(1) and (2).

- 78.** In section 23CA(1)(a)(**90**) (further assistance to pursue education or training) for “appropriate national authority” substitute “Secretary of State”.
- 79.** In section 23D(**91**) (personal advisers)—
- (a) in subsection (1) for “appropriate national authority” substitute “Secretary of State”;
 - (b) in subsection (2) for “appropriate national authority” substitute “Secretary of State”.
- 80.** In section 23E(**92**) (pathway plans)—
- (a) in subsection (1) after “prescribed” insert “in regulations made by the Secretary of State”;
 - (b) in subsection (1B) for “appropriate national authority” substitute “Secretary of State”;
 - (c) in subsection (2) for “appropriate national authority” substitute “Secretary of State”.
- 81.** In section 24(**93**) (persons qualifying for advice and assistance)—
- (a) in subsection (2)(a)(**94**) at the end insert “(without subsequently being looked after by a local authority in Wales)”;
 - (b) in subsection (2)(d)(ii)(**95**) at the end insert “, or by a local authority in Wales in the exercise of education functions”;
 - (c) in subsection (5)(za)(**96**) for “appropriate national authority” substitute “Secretary of State”.
- 82.** In section 24A(**97**) (advice and assistance)—
- (a) in subsection (2)(b) after “local authority,” insert “or local authority in Wales”;
 - (b) in subsection (3)(a) after “local authority” insert “(without subsequently being looked after by a local authority in Wales),”.
- 83.** In section 24B(6)(**98**) (employment, education and training) for “appropriate national authority” substitute “Secretary of State”.
- 84.** In section 24C(**99**) (information)—
- (a) in subsection (1) after “area of another local authority” insert “, or in the area of a local authority in Wales”;
 - (b) for subsection (2)(**100**) substitute—

(90) Section 23CA was inserted by the Children and Young Persons Act 2008 (c. 23), section 22(1) and (2).

(91) Section 23D was inserted by the Children (Leaving Care) Act 2000 (c. 35), section 3, and has been amended by the Children and Young Persons Act 2008 (c. 23), section 23(1) and Schedule 3, paragraphs 1 and 10.

(92) Section 23E was inserted by the Children (Leaving Care) Act 2000 (c. 35), section 3, and has been amended by the Children and Young Persons Act 2008 (c. 23), section 22 and Schedule 3, paragraphs 1 and 11, and by the Children and Families Act 2014 (c. 6), Schedule 3, paragraph 65(1) and (2).

(93) Section 24 was substituted, together with sections 24A to 24C, for section 24, as originally enacted, by the Children (Leaving Care) Act 2000 (c. 35), section 4(1), and section 24(1) to (1B) was substituted for section 24(1) by the Adoption and Children Act 2002 (c. 38), Schedule 3, paragraphs 54 and 60(a).

(94) Section 24(2)(a) was amended by the Adoption and Children Act 2002 (c. 38), Schedule 3, paragraphs 54 and 60(b).

(95) Section 24(2)(d) was amended by the Health and Social Care Act 2012 (c. 7), Schedule 5, paragraphs 47 and 49; by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedule 4, paragraphs 75 and 76, and by S.I. 2007/961 (W. 85), paragraph 20(1) and (2)(b) of the Schedule; and by S.I. 2010/1158, Schedule 2, paragraph 37(1) and (2).

(96) Paragraph (za) was inserted by the Adoption and Children Act 2002 (c. 38), Schedule 3, paragraphs 54 and 60(c).

(97) Section 24A was substituted, together with sections 24, 24B and 24C, for section 24, as originally enacted by the Children (Leaving Care) Act 2000 (c. 35), section 4(1), and has been amended by the Adoption and Children Act 2002 (c. 38), Schedule 3, paragraphs 54 and 61; there are other amendments which are not relevant.

(98) Section 24B was substituted, together with sections 24, 24A and 24C, for section 24, as originally enacted by the Children (Leaving Care) Act 2000 (c. 35), section 4(1), and has been amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 13.

(99) Section 24C was substituted, together with sections 24, 24A and 24B, for section 24, as originally enacted by the Children (Leaving Care) Act 2000 (c. 35), section 4(1).

(100) Section 24C(2) was amended by the Health and Social Care Act 2012 (c. 7), Schedule 5, paragraphs 47 and 50; by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedule 4, paragraphs 75 and 77, and by S.I. 2007/961 (W. 85), Schedule, paragraph 20(1) and (2)(c), and by S.I. 2010/1158, Schedule 2, paragraph 37(1) and (3)(a).

- “(2) Where a child who is accommodated in England—
- (a) by a voluntary organisation or in a private children’s home;
 - (b) by or on behalf of any Local Health Board or Special Health Authority;
 - (c) by or on behalf of a clinical commissioning group or the National Health Service Commissioning Board;
 - (d) by or on behalf of a local authority in the exercise of education functions;
 - (e) by or on behalf of a local authority in Wales in the exercise of education functions;
 - (f) in any care home or independent hospital; or
 - (g) in any accommodation provided by or on behalf of a National Health Service trust or by or on behalf of an NHS Foundation Trust,

ceases to be so accommodated after reaching the age of 16, the person by whom or on whose behalf the child was accommodated or who carries on or manages the home or hospital (as the case may be) must inform the local authority or local authority in Wales within whose area the child proposes to live.”;

- (c) in subsection (3) for “paragraph (b) or (c)” substitute “any of paragraphs (b) to (g)”;
- (d) for subsection (4)(101) substitute—

“(4) In a case where a child was accommodated by or on behalf of a local authority, or a local authority in Wales, in the exercise of education functions, subsection (2) applies only if the authority who accommodated the child is different from the authority within whose area the child proposes to live.”

85. In section 24D(102) (representations: sections 23A to 24B)—

- (a) in subsection (1A)(103) for “appropriate national authority” substitute “Secretary of State”;
- (b) in subsection (2) for “appropriate national authority” substitute “Secretary of State”.

86. In section 25(104) (use of accommodation for restricting liberty)—

- (a) in subsection (1)—
 - (i) after “local authority” insert “or local authority in Wales”;
 - (ii) after “accommodation” in the first place it occurs insert “in England”;
- (b) in subsection (2) for “appropriate national authority” substitute “Secretary of State”;
- (c) in subsection (2)(a)(i), (2)(a)(ii) and (2)(b) after “accommodation” in each place that it occurs, insert “in England”;
- (d) in subsection (2)(c) after “local authorities” insert “or local authorities in Wales”;
- (e) in subsection (7) for “appropriate national authority” substitute “Secretary of State”;
- (f) in subsection (7)(c) after “accommodation” insert “in England”.

87. In section 25A(4)(105) (appointment of independent reviewing officer) for “appropriate national authority” substitute “Secretary of State”.

(101) Section 24C(4) was inserted by [S.I. 2010/1158](#), Schedule 2, paragraph 37(1) and (3)(b).

(102) Section 24D was inserted by the Children (Leaving Care) Act 2000 (c. 35), section 5.

(103) Section 24D(1A) was inserted by the Adoption and Children Act 2002 (c. 38), section 117(1) and amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 14.

(104) Section 25 was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 15, and by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), Schedule 5, paragraph 38.

(105) Section 25A was inserted by the Children and Young Persons Act 2008 (c. 23), section 10(1).

- 88.** In section 25B(**106**) (functions of independent reviewing officer)—
- (a) in subsections (1)(b), (1)(d) and (2)(a) for “appropriate national authority”, in each place that it occurs, substitute “Secretary of State”;
 - (b) in subsection (3) omit paragraph (b) and the “or” immediately preceding it.
- 89.** Omit section 25C(2)(**107**) (referred cases, regulations in respect of Wales).
- 90.** In section 26(**108**) (review of cases and inquiries into representations), in the following provisions, for “appropriate national authority” substitute “Secretary of State”—
- (a) subsection (1);
 - (b) subsection (3A);
 - (c) subsection (3B);
 - (d) subsection (3C);
 - (e) subsection (4A);
 - (f) subsection (5);
 - (g) subsection (6).
- 91.** Omit section 26ZB(**109**) (representations: further consideration (Wales)).
- 92.** In section 26A(**110**) (advocacy services)—
- (a) omit subsection (2A)(**111**);
 - (b) in subsections (3)(a) and (4)(**112**), for “appropriate national authority” substitute “Secretary of State”.
- 93.** In section 27 (co-operation between authorities)—
- (a) after subsection (3)(d) insert—
 - “(da) any local authority in Wales.”;
 - (b) in subsection (3)(e)(**113**) for “appropriate national authority” substitute “Secretary of State”;
 - (c) after subsection (3) insert—
 - “(3A) The Secretary of State must not authorise the Welsh Ministers under subsection (3)(e) without their consent.”
- 94.** In section 29 (recoupment of cost of providing services etc.)—
- (a) in subsection (7) after “another local authority” insert “or the area of a local authority in Wales”;

(**106**) Section 25B was inserted by the Children and Young Persons Act 2008 (c. 23), section 10(1).

(**107**) Section 25C was inserted by the Children and Young Persons Act 2008 (c. 23), section 10(2).

(**108**) Subsections (1), (5) and (6) of section 26 were amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 16; subsections (3A), (3B), and (4A) were inserted into section 26 by the Adoption and Children Act 2002 (c. 38), section 117(2), (4) and (5), and subsection (3C) was inserted by the Health and Social Care (Community Health and Standards Act) 2003 (c. 43), section 117(1).

(**109**) Section 26ZB was inserted by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), section 116(2), and was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 17.

(**110**) Section 26A was inserted by the Adoption and Children Act 2002 (c. 38), section 119.

(**111**) Subsection (2A) was inserted by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), section 116(3), and was amended by the Education and Inspections Act 2006 (c. 40), Schedule 14, paragraphs 9 and 11 and Part 5 of Schedule 18.

(**112**) Subsections (3)(a) and (4) of section 26A were amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 18.

(**113**) Section 27(3)(e) was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 19.

- (b) in subsection (8)(**114**) after “another local authority” insert “or the area of a local authority in Wales”;
- (c) in subsection (9)(**115**)—
 - (i) after “subsection (10)” insert “or subsection (11)”;
 - (ii) after “section 27(2)” insert “or section 164A(2) of the Social Services and Well-being (Wales) Act 2014 (duty of other persons to co-operate and provide information)”;
 - (iii) after “the local authority” insert “or a local authority in Wales”;
- (d) after subsection (10)(**116**) insert—

“(11) Where a local authority (“authority A”) comply with any request under section 164A(2) of the Social Services and Well-being (Wales) Act 2014 (duty of other persons to co-operate and provide information) from a local authority in Wales (“authority B”) in relation to a person, and authority B are the responsible local authority for that person (within the meaning of section 104(5)(b) (except for category 4 young persons) or (d) of that Act), then authority A may recover from authority B any reasonable expenses incurred by them in respect of that person.”

95. In section 30 (miscellaneous)—

- (a) in subsection (2)(**117**)—
 - (i) for “determining authority” substitute “Secretary of State”;
 - (ii) at the end insert “but see subsection (2C)”;
- (b) omit subsections (2A) and (2B);
- (c) after subsection (2) insert—

“(2C) Any question arising as to whether a child is ordinarily resident—

 - (a) in the area of a local authority under section 20(2), 21(3) or 29(7) to (9), or
 - (b) in the area of a local authority in Wales under section 76(2), 77(4) or (5), or 193(3) to (6) of the Social Services and Well-being (Wales) Act 2014,

shall be determined by the local authority and local authority in Wales concerned, or in default of agreement, by the Secretary of State.

(2D) The Secretary of State must consult the Welsh Ministers before making a determination under subsection (2C).”;
- (d) in subsection (4) for “appropriate national authority” substitute “Secretary of State”.

96. Omit section 30A(**118**) (meaning of appropriate national authority).

97. In section 33(8)(b) (arrangements for a child to live outside England and Wales) after “Schedule 2” insert “in England, and section 124 of the Social Services and Well-being (Wales) Act 2014 in Wales”.

98. In section 34(**119**) (parental contact etc. with children in care)—

(**114**) Section 29(8) was amended by the Health and Social Care Act 2012 (c. 7), Schedule 5, paragraphs 47 and 52; by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 20, and by S.I. 2007/961 (W. 85), paragraph 20(1) and (2)(e) of the Schedule.

(**115**) Section 29(9) was amended by the Children (Leaving Care) Act 2000 (c. 35), section 7(1) and (3)(a), and by the Courts and Legal Services Act 1990 (c. 41), Schedule 16, paragraph 15.

(**116**) Subsection (10) was inserted into section 29 by the Children (Leaving Care) Act 2000 (c. 35), section 7(1) and (3)(b).

(**117**) Subsection (2) was amended, and subsections (2A) and (2B) were inserted by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 21.

(**118**) Section 30A was inserted by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 22.

(**119**) Section 34(1) was amended by the Children and Families Act 2014 (c. 6), sections 8(1) and 12(4) and Schedule 2, paragraphs 1 and 31.

(a) in subsection (1) after “section 22(3)(a)” insert “or, where the local authority is in Wales, under section 78(1)(a) of the Social Services and Well-being (Wales) Act 2014”;

(b) after subsection (6A)(120) insert—

“(6B) Where (by virtue of an order under this section, or because subsection (6) applies) a local authority in Wales is authorised to refuse contact between the child and a person mentioned in any of paragraphs (a) to (c) of section 95(1) of the Social Services and Well-being (Wales) Act 2014, section 95(1) of that Act does not require the authority to promote contact between the child and that person.”

99. In section 42(121) (right of officer of the Service to have access to local authority records) in paragraph (b) of subsection (1), after “1970” insert “or for the purposes of the Social Services and Well-being (Wales) Act 2014”.

100. In section 47 (local authority’s duty to investigate), for subsection (3)(a)(122) substitute—

“(a) whether the authority should—

(i) make any application to court under this Act;

(ii) exercise any of their other powers under this Act;

(iii) exercise any of their powers under section 11 of the Crime and Disorder Act 1998 (child safety orders); or

(iv) (where the authority is a local authority in Wales) exercise any of their powers under the Social Services and Well-being (Wales) Act 2014;

with respect to the child;”.

101. In section 59 (provision of accommodation by voluntary organisations)—

(a) in subsection (3A)(123) after “Regulations” insert “made in relation to England”;

(b) after subsection (3A) insert—

“(3B) Regulations made in relation to Wales under subsection (2) or (3) may in particular make provision which (with any necessary modifications) is similar to that which may be made under sections 81 or 87 of the Social Services and Well-being (Wales) Act 2014, including provision which may be made under section 87 in accordance with the examples given in sections 89, 92 and 93 of that Act.”;

(c) in subsection (5A) after “Regulations” insert “made in relation to England”;

(d) after subsection (5A) insert—

“(5B) Regulations made in relation to Wales under subsection (4) may in particular make provision which (with any necessary modifications) is similar to that which may be made under sections 99, 100 or 102 of the Social Services and Well-being (Wales) Act 2014.”

102. In section 85 (children accommodated by health authorities and local education authorities)

(a) in subsection (1)(124)—

(120) Subsection (6A) was inserted into section 34 by the Children and Families Act 2014 (c. 6), section 8(1) and (3).

(121) Section 42 was amended by the Criminal Justice and Court Services Act 2000 (c. 43), Schedule 7, paragraphs 87 and 92; by the Children Act 2004 (c. 31), Schedule 3, paragraphs 5 and 10; the Courts and Legal Services Act 1990 (c. 41), section 116 and Schedule 16, paragraph 18, and Schedule 20, and by the Local Government Act 2000 (c. 22), Schedule 5, paragraph 20.

(122) Section 47(3) was amended by the Crime and Disorder Act 1998 (c. 37), Schedule 8, paragraph 69.

(123) Subsection (3A) was inserted into section 59 by the Children and Young Persons Act 2008 (c. 23), Schedule 1, paragraph 2(1) and (6).

(124) Section 85(1) was amended by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 118(9); by the Health and Social Care Act 2012 (c. 7), Schedule 5, paragraphs 47 and 55(a); by the National Health Service and Community Care Act 1990 (c. 19), Schedule 5, paragraph 36(5); by the Children and Young Persons Act 2008 (c. 23), section 17(1) and (2); by

- (i) after “accommodation” insert “in England”;
- (ii) omit “Local Health Board”;
- (iii) after “local authority” insert “in England”;
- (b) in subsection (2A)(125) for “provided with accommodation by a local authority” substitute “provided with accommodation in England by a local authority in England”;
- (c) in subsection (3A)(b)(126) for “lead director for children and young person’s services” substitute “director of social services”;
- (d) in subsection (4)(127) for “local authority has been notified under this section” substitute “local authority in England has been notified under this section, or under section 120 of the Social Services and Well-being (Wales) Act 2014 (assessment of children accommodated by health authorities and education authorities)”.

103. In section 86(128) (children accommodated in care homes or independent hospitals)—

- (a) in subsection (1)(129) after “accommodation” insert “in England”;
- (b) in subsection (5)(130) after “local authority” insert “in England”.

104. In section 86A(131) (visitors for children notified to local authority under section 85 or 86)

- (a) in subsection (1) after “local authority” insert “in England”;
- (b) in subsection (1)(a) after “section 85(1) or 86(1)” insert “, or under section 120(2)(a) of the Social Services and Well-being (Wales) Act 2014”;
- (c) in subsection (1)(b) for “or, as the case may be, 86(2)” substitute “, 86(2), or under section 120(2)(b) of the Social Services and Well-being (Wales) Act 2014, as the case may be”;
- (d) in subsection (5) omit “and the Welsh Ministers acting jointly”;
- (e) in the heading omit “under section 85 or 86”.

105. For section 104A(132) (regulations and orders made by the Welsh Ministers under Part 3 etc.) substitute—

“Regulations made by the Welsh Ministers under section 31A or Part 7

104A.—(1) Any power of the Welsh Ministers under section 31A or Part 7 to make regulations shall be exercisable by statutory instrument.

(2) Any such statutory instrument shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

106. In section 105 (interpretation)—

- (a) in subsection (1) for the definition of “local authority foster parent” substitute—

S.I. 2007/961 (W. 85), paragraph 20(1) and (2)(h) of the Schedule; *S.I. 2000/90*, Schedule 1, paragraph 24(1) and (9), and by *S.I. 2010/1158*, Schedule 2, paragraph 37(1) and (10)(a).

(125) Subsection (2A) was inserted by *S.I. 2010/1158*, Schedule 2, paragraph 37(10)(b).

(126) Subsection (3A) was inserted by the Children and Young Persons Act 2008 (c. 23), section 17(1) and (3).

(127) Section 85A(4) was amended by the Children and Young Persons Act 2008 (c. 23), section 17(1) and (4).

(128) The section heading to section 86 was amended by the Care Standards Act 2000 (c. 14), Schedule 4, paragraph 14(1) and (20)(a).

(129) Section 86(1) was amended by the Care Standards Act 2000 (c. 14), Schedule 4, paragraph 14(1) and (20)(b).

(130) Section 86(5) was amended by the Care Standards Act 2000 (c. 14), Schedule 4, paragraph 14(1) and (20)(b).

(131) Section 86A was inserted by the Children and Young Persons Act 2008 (c. 23), section 18.

(132) Section 104A was inserted by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 26; and was amended by the Children and Families Act 2014 (c. 6), section 16(2).

““local authority foster parent”(133) means a person authorised as such in accordance with regulations made by virtue of—

- (a) paragraph 12F of Schedule 2; or
- (b) sections 87 and 93 of the Social Services and Well-being (Wales) Act 2014 (regulations providing for approval of local authority foster parents);”;

(b) for subsection (4) substitute—

“(4) References in this Act to a child who is looked after—

- (a) in relation to a child who is looked after by a local authority in England, has the meaning given in section 22; and
- (b) in relation to a child who is looked after by a local authority in Wales, has the meaning given in section 74 of the Social Services and Well-being (Wales) Act 2014 (child or young person looked after by a local authority).”;

(c) in subsection (5)(134) omit “within the meaning of the Local Authority Social Services Act 1970”;

(d) after subsection (5) insert—

“(5B) In subsection (5) “social services functions” means—

- (a) in England, social services functions within the meaning of the Local Authority Social Services Act 1970, and
- (b) in Wales, social services functions within the meaning of the Social Services and Well-being (Wales) Act 2014.”

107. After the heading in Schedule 2 (local authority support for children and families) insert—

“Application to local authorities in England

A1.—(1) This Schedule applies only in relation to local authorities in England.

(2) Accordingly, unless the contrary intention appears, a reference in this Schedule to a local authority means a local authority in England.”

108. In Schedule 2, in paragraph 4 (prevention of neglect and abuse)—

- (a) in sub-paragraph (2)(b) after “another local authority” insert “or in the area of a local authority in Wales”;
- (b) in sub-paragraph (2) after “that other local authority” insert “or the local authority in Wales, as the case may be”;
- (c) in sub-paragraph (3) after “that other local authority” insert “or the local authority in Wales”.

109. In Schedule 2, in paragraph 6(2)(135) (provision for disabled children) for “appropriate national authority” substitute “Secretary of State”.

110. In Schedule 2, in paragraph 7(c) after “secure accommodation” insert “within the meaning given in section 25 and in section 119 of the Social Services and Well-being (Wales) Act 2014”.

(133) The definition of “local authority foster parent” was substituted by the Children and Young Persons Act 2008 (c. 23), Schedule 1, paragraph 3(1) and (4).

(134) Section 105(5) was amended by the Local Government Act 2000 (c. 22), Schedule 5, paragraph 22.

(135) Paragraph 6 was amended, and sub-paragraph (2) was inserted, by the Children and Young Persons Act 2008 (c. 23), section 25.

111. In Schedule 2, in paragraph 8A(2)(**136**) (provision for accommodated children) after “under section 85 or 86” insert “or under section 120 of the Social Services and Well-being (Wales) Act 2014 (assessment of children accommodated by health authorities and education authorities)”.

112. In Schedule 2, in the heading of Part 2 (children looked after by local authorities), at the end insert “in England”.

113. In Schedule 2, in paragraph 12F(**137**) (approval of local authority foster parents)—

- (a) in sub-paragraph (1)(a) after “prescribed” insert “in regulations made by the Secretary of State”;
- (b) in sub-paragraph (1)(b) for “that national authority” substitute “the Secretary of State”;
- (c) in the following provisions for “appropriate national authority” in each place that it occurs, substitute “Secretary of State”—
 - (i) sub-paragraph (1)(b);
 - (ii) sub-paragraph (4);
 - (iii) sub-paragraph (5);
 - (iv) sub-paragraph (6);
 - (v) sub-paragraph (7);
 - (vi) sub-paragraph (8);
 - (vii) sub-paragraph (9);
- (d) omit sub-paragraph (10);
- (e) in sub-paragraph (11), in the definition of “organisation” after “includes” insert “the Welsh Ministers,”.

114. In Schedule 2, in paragraph 15(3) (promotion of maintenance of contact between child and family) after “another local authority” insert “or a local authority in Wales”.

115. In Schedule 2, in paragraph 19B(**138**) (additional functions in relation to eligible children)—

- (a) in sub-paragraph (2)(b) after “a local authority” insert “or by a local authority in Wales”;
- (b) in sub-paragraph (3) for “appropriate national authority” substitute “Secretary of State”;
- (c) in sub-paragraph (7) for “appropriate national authority” substitute “Secretary of State”.

116. In Schedule 2, in paragraph 19BA(1)(**139**) (preparation for ceasing to be looked after: staying put arrangements) omit “in England”.

117. In Schedule 2, for paragraph 20(1)(a)(**140**) (death of children being looked after by local authorities) substitute—

- “(a) shall notify the Secretary of State and Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;”.

118. In Schedule 2, in the heading of Part 3 (contributions towards maintenance of children looked after by local authorities), at the end insert “in England”.

(136) Paragraph 8A was inserted by the Children and Young Persons Act 2008 (c. 23), section 19.

(137) Paragraphs 12A to 12G were substituted, for paragraphs 12 to 14, as originally enacted, by the Children and Young Persons Act 2008 (c. 23), Schedule 1, paragraph 4.

(138) Paragraphs 19A to 19C were inserted by the Children (Leaving Care) Act 2000 (c. 35), section 1; paragraph 19B was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 27(1) and (3).

(139) Paragraph 19BA was inserted by the Children and Families Act 2014 (c. 6), section 98(1) and (3).

(140) Paragraph 20 was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 27(1) and (4), and by the Education and Inspections Act 2006 (c. 40), Schedule 14, paragraphs 9 and 17.

119. In Schedule 2, in paragraph 24(3) (enforcement of contribution orders) before paragraph (a) insert—

“(aa) a local authority in Wales;”.

120. In Schedule 2, in paragraph 25(**141**) (regulations)—

(a) for “appropriate national authority” substitute “Secretary of State”;

(b) in sub-paragraph (b) for “a local authority” substitute “they”;

(c) for sub-paragraph (b)(ii) substitute—

“(ii) any other local authority under paragraph 24(2).”

121. For the heading to Schedule 2 substitute—

“*SUPPORT FOR CHILDREN AND FAMILIES
PROVIDED BY LOCAL AUTHORITIES IN ENGLAND*”.

122. In paragraph 61 of Schedule 13 (consequential amendments) omit sub-paragraphs (3) and (4).

Opticians Act 1989 (c. 44)

123. In section 27 of the Opticians Act 1989 (sale and supply of optical appliances), in subsection (3)(e)(i)(**142**), for the words from “registered as blind” to the end, substitute “section 18(1) of the Social Services and Well-being (Wales) Act 2014.”

National Health Service and Community Care Act 1990 (c. 19)

124. The National Health Service and Community Care Act 1990 is amended as follows.

125. Omit section 46 (local authority plans for community care services).

126. In section 47 (assessment of needs for community care services)—

(a) in subsection (1)(**143**) omit “(in the case of a local authority in England) or of community care services (in the case of a local authority in Wales)”;

(b) in subsection (2)(**144**)—

(i) after “local authority” insert “in England”;

(ii) omit “, in the case of a local authority in England”;

(c) omit subsection (7);

(d) in subsection (8) for “and “community care services” have the same meanings as in section 46 above” substitute “means a county council in England, a district council for an area in England for which there is no county council, the council of a county or county borough in Wales, a London borough council or the Common Council of the City of London”.

127. In section 48 (inspection of premises used for provision of community care services)—

(a) in subsection (1)(**145**) for “community care services” substitute “services under Part 4 of the Social Services and Well-being (Wales) Act 2014”;

(**141**) Paragraph 25 was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 27(1) and (5).

(**142**) Section 27(3)(e)(i) was amended by S.I. 2015/914, Schedule, paragraph 48.

(**143**) Section 47(1) was amended by S.I. 2015/914, Schedule, paragraphs 49, 51(1), (2).

(**144**) Section 47(2) was amended by S.I. 2015/914, Schedule, paragraphs 49, 51(1), (3).

(**145**) Section 48(1) was amended by S.I. 2015/914, Schedule, paragraphs 49, 52(2)(a).

- (b) in subsection (8) for “and “community care services”” to the end substitute “has the same meaning as in section 47”.

Criminal Justice Act 1991 (c. 53)

128. In section 60(3)(**146**) of the Criminal Justice Act 1991 (remands and committals to local authority accommodation)—

- (a) after “Children Act 1989” insert “or section 119 of the Social Services and Well-being (Wales) Act 2014”, and
- (b) for “of that Act” substitute “of the Children Act 1989”.

Water Industry Act 1991 (c. 56)

129. In paragraph 8(2) of Schedule 4A(**147**) to the Water Industry Act 1991 (premises that are not to be disconnected for non-payment of charges) in the definition of “care home”—

- (a) omit paragraph (b), and
- (b) after paragraph (c) insert—
 - “(d) a building or part of a building—
 - (i) in which accommodation is provided under Part 4 of the Social Services and Well-being (Wales) Act 2014; and
 - (ii) which is not part of premises any part of which is a children’s home within the meaning of the Care Standards Act 2000;”.

Social Security Contributions and Benefits Act 1992 (c. 4)

130. The Social Security Contributions and Benefits Act 1992 is amended as follows.

131. In section 143 (meaning of “person responsible for child or qualifying young person”), in subsection (3)(c)(**148**)—

- (a) omit sub-paragraph (i);
- (b) after sub-paragraph (vii) omit “or”;
- (c) after sub-paragraph (viii) insert—
 - “or
 - (ix) Part 4 of the Social Services and Well-being (Wales) Act 2014.”

132. In section 171ZB(**149**) (entitlement: adoption) at the end insert—

“(10) This section has effect in a case involving a child placed under section 81 of the Social Services and Well-being (Wales) Act 2014 by a local authority in Wales with a local authority foster parent who has been approved as a prospective adopter with the following modifications—

(**146**) Section 60(3) was amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), Schedule 12, paragraphs 26, 28(a) and (b) and by the Crime and Courts Act 2013 (c. 22), Schedule 11, paragraph 127.

(**147**) Schedule 4A was inserted by the Water Industry Act 1999 (c. 9), section 1(2) and Schedule 1.

(**148**) In section 143(3)(c), sub-paragraphs (vii) and (viii) were substituted by S.I. 2013/1465, Part 1 of Schedule 1, paragraph 4(2).

(**149**) Sections 171ZB and 171ZE were inserted by the Employment Act 2002 (c. 22), section 2. Sections 171ZA to 171ZE were moved under a new heading “Ordinary Statutory Paternity Pay” by the Work and Families Act 2006 (c. 18) Schedule 1, paragraph 11. These sections were then moved to Part XIIZA upon the repeal of the “Ordinary Statutory Paternity Pay” heading by the Children and Families Act 2014 (c. 6), Schedule 7, paragraph 11. Subsections (8) and (9) of section 171ZB were inserted by the Children and Families Act 2014, section 121(3).

- (a) the references in subsection (2) to a child being placed for adoption under the law of any part of the United Kingdom are to be treated as references to a child being placed under section 81 in that manner;
- (b) the reference in subsection (3) to the week in which the adopter is notified of being matched with the child for the purposes of adoption is to be treated as a reference to the week in which the prospective adopter is notified that the child is to be, or is expected to be, placed with the prospective adopter under section 81;
- (c) the reference in subsection (6) to placement for adoption is to be treated as a reference to placement under section 81;
- (d) the definition in subsection (7) is to be treated as if it were a definition of “prospective adopter”.

(11) Where, by virtue of subsection (10), a person becomes entitled to statutory paternity pay in connection with the placement of a child under section 81 of the Social Services and Well-being (Wales) Act 2014, the person may not become entitled to payments of statutory paternity pay in connection with the placement of the child for adoption.”

133. In section 171ZE(**150**) (rate and period of pay) at the end insert—

“(13) Where statutory paternity pay is payable to a person by virtue of section 171ZB(10), this section has effect as if—

- (a) the references in subsections (3)(b) and (10) to placement for adoption were references to placement under section 81 of the Social Services and Well-being (Wales) Act 2014;
- (b) the references in subsection (10) to being placed for adoption were references to being placed under section 81.”

134. In section 171ZJ(1)(**151**) (Part 12ZA: supplementary) in the definition of “local authority foster parent”, for “section 22C(12)” substitute “section 105(1)”.

135. In section 171ZL(**152**) (entitlement) at the end insert—

“(11) This section has effect in a case involving a child who is, or is expected to be, placed under section 81 of the Social Services and Well-being (Wales) Act 2014 by a local authority in Wales with a local authority foster parent who has been approved as a prospective adopter with the following modifications—

- (a) the references in subsections (2)(a) and (4A)(a) to a child being placed for adoption under the law of any part of the United Kingdom are to be treated as references to a child being placed under section 81 in that manner;
- (b) the reference in subsection (3) to the week in which the person is notified that he has been matched with the child for the purposes of adoption is to be treated as a reference to the week in which the person is notified that the child is to be, or is expected to be placed with him under section 8;
- (c) the references in subsection (4B)(a) to adoption are to be treated as references to placement under section 81;

(150) Subsection (12) of section 171ZE was inserted by the Children and Families Act 2014 (c. 6), section 121(4).

(151) Section 171ZJ was inserted by the Employment Act 2002 (c. 22), section 2. This section was moved under heading “Ordinary and additional statutory paternity pay: supplementary provisions” by the Work and Families Act 2006 (c. 18), Schedule 1, paragraph 17. The section was then moved again to Part XIIZA upon the repeal of the cross-heading, “Ordinary and additional statutory paternity pay: supplementary provisions” by the Children and Families Act 2014 (c. 6), Schedule 7, paragraph 18. The definition of “local authority foster parent” in subsection (1) was inserted by the Children and Families Act 2014, section 121(7)(a).

(152) Section 171ZL was inserted by the Employment Act 2002 (c. 22), section 4. Subsections (9) and (10) were inserted by the Children and Families Act 2014 (c. 6), section 121(5).

(d) the reference in subsection (5) to placement, or expected placement, for adoption is to be treated as a reference to placement, or expected placement under section 81.

(12) Where, by virtue of subsection (11), a person becomes entitled to statutory adoption pay in respect of a child who is, or is expected to be, placed under section 81 of the Social Services and Well-being (Wales) Act 2014, the person may not become entitled to payments of statutory adoption pay as a result of the child being, or being expected to be, placed for adoption.”

136. In section 171ZN(**153**) (rate and period of pay) at the end insert—

“(10) Where statutory adoption pay is payable to a person by virtue of section 171ZL(11), this section has effect as if the reference in subsection (2F) to the week in which the person is notified that he has been matched with a child for the purposes of adoption were a reference to the week in which the person is notified that a child is to be, or is expected to be, placed with him under section 81 of the Social Services and Well-being (Wales) Act 2014.”

137. In section 171ZS(1)(**154**) (Part 12ZB: supplementary) in the definition of “local authority foster parent”, for “section 22C(12)” substitute “section 105(1)”.

138. In section 171ZV(**155**) (entitlement: adoption) for subsections (17) and (18) substitute—

“(17) Regulations are to provide for entitlement to statutory shared parental pay in respect of a child placed, or expected to be placed—

- (a) under section 22C of the Children Act 1989 by a local authority in England, or
- (b) under section 81 of the Social Services and Well-being (Wales) Act 2014 by a local authority in Wales,

with a local authority foster parent who has been approved as a prospective adopter.

(18) This section has effect in relation to regulations made by virtue of subsection (17) as if—

- (a) references to a child being placed for adoption under the law of any part of the United Kingdom were references to being placed under section 22C of the Children Act 1989 or section 81 of the Social Services and Well-being (Wales) Act 2014 with a local authority foster parent who has been approved as a prospective adopter;
- (b) references to a placement for adoption were references to placement under section 22C of the Children Act 1989 or section 81 of the Social Services and Well-being (Wales) Act 2014 with such a person.”

139. In section 171ZZ4(1)(**156**) (Part 12ZC: supplementary) in the definition of “local authority foster parent”, for “section 22C(12)” substitute “section 105(1)”.

Further and Higher Education Act 1992 (c. 13)

140. In section 85D(7) of the Further and Higher Education Act 1992(**157**) (recording and reporting the use of force by members of staff: England) after “Children Act 1989” insert “or section 76 of the Social Services and Well-being (Wales) Act 2014”.

(**153**) Section 171ZN was inserted by the Employment Act 2002 (c. 22), section 4. Subsection (9) was inserted by the Children and Families Act 2014 (c. 6), section 121(6).

(**154**) Section 171ZS was inserted by the Employment Act 2002 (c. 22), section 4. The definition of “local authority foster parent” was inserted by the Children and Families Act 2014 (c. 6), section 121(7)(b).

(**155**) Section 171ZV was inserted by the Children and Families Act 2014 (c. 6), section 119(1).

(**156**) Section 171ZZ4 was inserted by the Children and Families Act 2014 (c. 6), section 119(1).

(**157**) Section 85D was inserted by the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), section 247.

Local Government Finance Act 1992 (c. 14)

141. In paragraph 7(2) of Schedule 1 to the Local Government Finance Act 1992 (persons disregarded for the purposes of council tax discount), in the definition of “care home” for paragraph (b) substitute—

- “(b) a building or part of a building in which accommodation is provided for an adult under Part 4 of the Social Services and Well-being (Wales) Act 2014;”.

Carers (Recognition and Services) Act 1995 (c. 12)

142. In section 1 of the Carers (Recognition and Services) Act 1995 (assessment of ability of carers to provide care: England and Wales)—

- (a) in subsection (1)(a)(**158**)—
- (i) after “local authority”, where it first occurs, insert “in England”;
 - (ii) in sub-paragraph (i) omit “in the case of a local authority in England;”;
 - (iii) omit sub-paragraph (ii) and the word “or” immediately preceding it;
- (b) in subsection (2)(a), after “local authority” insert “in England”;
- (c) in subsection (3A)(**159**) omit “In the case of a local authority in England;”;
- (d) omit subsection (5);
- (e) in subsection (6)—
- (i) omit the definitions of “community care services” and “disabled person”;
 - (ii) for the definition of “local authority” substitute—

““local authority” means a county council, a district council for an area in England for which there is no county council, a London borough council or the Common Council of the City of London;”.

Employment Rights Act 1996 (c. 18)

143. The Employment Rights Act 1996 is amended as follows.

144. In section 57ZS(**160**) (placement of looked after children with prospective adopters)—

- (a) after subsection (2) insert—
- “(2A) Subsection (2B) applies where a local authority in Wales notifies a person—
- (a) who is a local authority foster parent, and
 - (b) who has been approved as prospective adopter,
- that a child is to be, or is expected to be, placed with that person under section 81 of the Social Services and Well-being (Wales) Act 2014.
- (2B) Where this subsection applies, sections 57ZJ, 57ZL, 57ZN and 57ZP have effect as if—
- (a) references to adoption or placement for adoption were references to placement of a child under section 81 of the Social Services and Well-being (Wales) Act 2014 with a local authority foster parent who has been approved as a prospective adopter;

(**158**) Section 1(1)(a) was amended by [S.I. 2015/914](#), Schedule, paragraph 56(1), (2)(a) and (b).

(**159**) Section 1(3A) was inserted by [S.I. 2015/914](#), Schedule, paragraph 56(1), (4).

(**160**) Section 57ZS was inserted by the Children and Families Act 2014 ([c. 6](#)), section 128(1).

- (b) references to placing for adoption were references to placing a child under section 81 of that Act with a local authority foster parent who has been approved as a prospective adopter;
 - (c) references to an adoption agency were references to a local authority in Wales.”;
 - (b) in subsection (3) after “Children Act 1989” insert “or section 81 of the Social Services and Well-being (Wales) Act 2014”.
- 145.** In section 75A(**161**) (ordinary adoption leave) for subsection (1A)(c) substitute—
- “(c) being notified—
 - (i) by a local authority in England that a child is to be, or is expected to be, placed with the employee under section 22C of the Children Act 1989;
 - (ii) by a local authority in Wales that a child is to be, or is expected to be, placed with the employee under section 81 of the Social Services and Well-being (Wales) Act 2014.”
- 146.** In section 75G(**162**) (entitlement to shared parental leave: adoption)—
- (a) for subsection (7) substitute—
 - “(7) Regulations under subsections (1) and (4) are to provide for leave in respect of a child placed, or expected to be placed—
 - (a) under section 22C of the Children Act 1989 by a local authority in England, or
 - (b) under section 81 of the Social Services and Well-being (Wales) Act 2014 by a local authority in Wales,with a local authority foster parent who has been approved as a prospective adopter.”;
 - (b) in subsection (8) after “Children Act 1989” insert “, or section 81 of the Social Services and Well-being (Wales) Act 2014”.
- 147.** In section 80B(**163**) (entitlement to paternity leave: adoption)—
- (a) for subsection (6A) substitute—
 - “(6A) Regulations under subsection (1) shall include provision for leave in respect of a child placed, or expected to be placed—
 - (a) under section 22C of the Children Act 1989 by a local authority in England, or
 - (b) under section 81 of the Social Services and Well-being (Wales) Act 2014 by a local authority in Wales,with a local authority foster parent who has been approved as a prospective adopter.”;
 - (b) in subsection (6B)(a) after “Children Act 1989” insert “, or section 81 of the Social Services and Well-being (Wales) Act 2014”;
 - (c) in subsection (6B)(b) after “section 22C” insert “of the Children Act 1989, or section 81 of the Social Services and Well-being (Wales) Act 2014”.
- 148.** In section 235(1)(**164**) (other definitions) in the definition of “local authority foster parent”, for “section 22C(12)” substitute “section 105(1)”.

(161) Section 75A was inserted by the Employment Act 2002 (c. 22), section 3. Subsection (1A) was inserted by the Children and Families Act 2014 (c. 6), section 121(1).

(162) Section 75G was inserted by the Children and Families act 2014 (c. 6), section 117(1).

(163) Section 80B was inserted by the Employment Act 2002 (c. 22), section 1. Subsections (6A) and (6B) were inserted by the Children and Families Act 2014 (c. 6), section 121(2)(b).

(164) The definition of “local authority foster parent” in section 235(1) was inserted by the Children and Families Act 2014 (c. 6), section 128(2)(e).

Housing Act 1996 (c. 52)

149. The Housing Act 1996 is amended as follows.

150. In section 213A of the Housing Act 1996(**165**) (co-operation in certain cases involving children)—

- (a) in subsection (5)(b) after “Part 3 of the Children Act 1989” insert “or Part 6 of the Social Services and Well-being (Wales) Act 2014”;
- (b) in subsection (7), in the definition of “the social services department”, after “Part 3 of the Children Act 1989” insert “or Part 6 of the Social Services and Well-being (Wales) Act 2014”.

151. In section 217 of the Housing Act 1996 (minor definitions: Part 7), in the definition of “social services authority”—

- (a) after “means” insert
 - “—
 - (a) in relation to England”;
- (b) at the end insert—
 - “(b) in relation to Wales, a local authority exercising social services functions for the purposes of the Social Services and Well-being (Wales) Act 2014.”

Housing Grants, Construction and Regeneration Act 1996 (c. 53)

152. Section 100 of the Housing Grants, Construction and Regeneration Act 1996 (disabled persons) is amended as follows—

- (a) in subsection (2), for paragraphs (a) and (b) substitute—
 - “(a) the person is registered in a register maintained under section 18(5) of the Social Services and Well-being (Wales) Act 2014 (register of disabled adults and adults with an impairment or who have needs for care and support), or
 - (b) in the opinion of the social services authority, the person falls within a category mentioned in section 18(6) of that Act.”;
- (b) after subsection (3)(b) insert—
 - “(c) the person is registered as disabled in a register maintained under section 18(4) of the Social Services and Well-being (Wales) Act 2014, or
 - (d) the person is, in the opinion of the social services authority, disabled as defined for the purposes of section 3 of the Social Services and Well-being (Wales) Act 2014.”;
- (c) for subsection (4) substitute the following—
 - “(4) In this Part “social services authority” means—
 - (a) in England, the council which is the local authority for the purposes of the Local Authority Social Services Act 1970, and
 - (b) in Wales, the council which is the local authority for the purposes of the Social Services and Well-being (Wales) Act 2014,
 for the area in which the dwelling or building is situated.”;
- (d) in subsection (5)(**166**)—

(165) Section 213A was inserted by the Homelessness Act 2002 (c. 7), section 12.

(166) Section 100(5) was amended by S.I. 2015/914, Schedule, paragraph 57(1), (3)(b).

- (i) omit “section 29(1) of the National Assistance Act 1948 or”;
- (ii) after “section 17(11) of the Children Act 1989” insert “or section 3 of the Social Services and Well-being (Wales) Act 2014”.

Education Act 1996 (c. 56)

153. The Education Act 1996 is amended as follows.

154. In section 463(1)(b)(**167**) (meaning of “independent school”) after “Children Act 1989” insert “or section 74 of the Social Services and Well-being (Wales) Act 2014”.

155. In section 515(4)(**168**) (provision of teaching services for day nurseries), in the definition of “day nursery” after “and other children” insert “or sections 37 to 39 of the Social Services and Well-being (Wales) Act 2014 (meeting care and support needs of children)”.

156. In section 535(4)(**169**) (provision of teaching services for day nurseries), in the definition of “day nursery” after “and other children” insert “or sections 37 to 39 of the Social Services and Well-being (Wales) Act 2014 (meeting care and support needs of children)”.

157. In section 562(3)(**170**) (Act not to apply to persons detained under order of a court) after “Children Act 1989” insert “or section 119(4) of the Social Services and Well-being (Wales) Act 2014 (use of accommodation for restricting liberty)”.

158. In section 562J(1) (interpretation of chapter) in the definition of “looked after child”, after “Children Act 1989” insert “or the Social Services and Well-being (Wales) Act 2014”.

School Standards and Framework Act 1998 (c. 31)

159. For section 84(7) of the School Standards and Framework Act 1998(**171**) (code for school admissions) substitute—

“(7) In this Chapter, references to a child who is looked after by a local authority are to be read—

- (a) in relation to a local authority in England, in accordance with section 22 of the Children Act 1989;
- (b) in relation to a local authority in Wales, in accordance with section 74 of the Social Services and Well-being (Wales) Act 2014.”

Crime and Disorder Act 1998 (c. 37)

160. The Crime and Disorder Act 1998 is amended as follows.

161. In section 40(3) (youth justice plans) for subsection (3) substitute—

“(3) The functions assigned to a youth offending team under subsection (1)(b) above may include, in particular—

- (a) functions under paragraph 7(b) of Schedule 2 to the 1989 Act (local authority’s duty to take reasonable steps designed to encourage children and young persons not to commit offences);

(**167**) Section 463 was substituted by the Education Act 2002 (c. 32), section 172.

(**168**) Section 515(4) was substituted by the Childcare Act 2006 (c. 21), Schedule 2, paragraph 25(1), (4).

(**169**) Section 535(4) was substituted by the Childcare Act 2006, Schedule 2, paragraph 26(1), (4).

(**170**) Section 562(3) was inserted by the Apprenticeships, Skills, Children and Learning Act 2009, section 49(1), (5).

(**171**) Section 84(7) was inserted by the Education and Inspections Act 2006 (c. 40), section 50(2).

- (b) functions relating to a local authority’s duty under section 15(2)(g) of the Social Services and Well-being (Wales) Act 2014 to provide or arrange for the provision of services for the purposes of encouraging children not to commit criminal offences.”

162. In Schedule 8 omit paragraph 69.

Youth Justice and Criminal Evidence Act 1999 (c. 23)

163. In section 50(10) of the Youth Justice and Criminal Evidence Act 1999 (defences) after “Children Act 1989” insert “or the Social Services and Well-being (Wales) Act 2014”.

Immigration and Asylum Act 1999 (c. 33)

164.—(1) In section 122(4) of the Immigration and Asylum Act 1999(**172**) (meaning of “assistance”)—

- (a) at the end of paragraph (b) omit “or”;
- (b) at the end of paragraph (c) omit the full stop and insert “or”;
- (c) after paragraph (c) insert—
 - “(d) sections 37 to 39 of the Social Services and Well-being (Wales) Act 2014 (similar provision for Wales).”

(2) But until the commencement of section 47 of the Nationality, Immigration and Asylum Act 2002, paragraph (1) is to have effect as if it read—

- “(1) In section 122(7) (meaning of child welfare provisions)—
 - (a) at the end of paragraph (b) omit “and”;
 - (b) at the end of paragraph (c) omit the full stop and insert “; and”;
 - (c) after paragraph (c) insert—
 - “(d) sections 37 to 39 of the Social Services and Well-being (Wales) Act 2014 (equivalent provision for Wales).”.

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

165. The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.

166. In section 20(6) of the Powers of Criminal Courts (Sentencing) Act 2000 (making of referral orders: attendance of parents) after “Children Act 1989” insert “or the Social Services and Well-being (Wales) Act 2014”.

167. In section 137 (power to order parent or guardian to pay fine, costs, compensation or surcharge)—

- (a) in subsection (8), for paragraph (b)(**173**) substitute—
 - “(b) is provided with accommodation by them in the exercise of social services functions,”;
- (b) after subsection (8) insert—
 - “(8A) In subsection (8) social services functions are—

(**172**) Section 122 was substituted by the Nationality, Immigration and Asylum Act 2002 (c. 41), section 47.

(**173**) Section 137(8)(b) was amended in relation to England by S.I. 2001/2237, and in relation to Wales by S.I. 2002/808.

- (a) any functions (in particular those under the Children Act 1989) which are social services functions within the meaning of the Local Authority Social Services Act 1970, or
- (b) any functions (in particular those under Part 6 of the Social Services and Well-being (Wales) Act 2014) which are social services functions for the purposes of that Act.”

168. In paragraph 9ZA of Schedule 1(**174**) (power to adjourn hearing and remand offender), in sub-paragraph (7) in the definition of “social services functions”—

- (a) after “as it has” insert

“—

- (a) in relation to a local authority in England,”;

- (b) at the end insert—

“(b) in relation to a local authority in Wales, in section 143 of the Social Services and Well-being (Wales) Act 2014”.

169. In paragraph 6A of Schedule 8(**175**) (power to adjourn hearing and remand offender), in sub-paragraph (7) in the definition of “social services functions”—

- (a) after “as it has” insert

“—

- (a) in relation to a local authority in England,”;

- (b) at the end insert—

“(b) in relation to a local authority in Wales, in section 143 of the Social Services and Well-being (Wales) Act 2014”.

Care Standards Act 2000 (c. 14)

170. The Care Standards Act 2000 is amended as follows.

171. In section 22 (regulation of establishments and agencies)—

- (a) for subsection (2)(e)(**176**) substitute—

“(e) make provision for securing the welfare of children placed, under section 22C of the 1989 Act or section 81 of the Social Services and Well-being (Wales) Act 2014, by a fostering agency;”;

- (b) in subsection (8)(b) after “1989 Act” insert “and section 119 of the Social Services and Well-being (Wales) Act 2014 (use of accommodation for restricting liberty)”.

172. In section 31 (inspections by persons authorised by registration authority) for subsection (3) (b) substitute—

- “(b) inspect and take copies of any documents or records (including medical and other personal records) required to be kept in accordance with regulations under this Part, section 9 of the Adoption and Children Act 2002, section 22C or 59(2) of the 1989 Act, section 1(3) of the Adoption (Intercountry Aspects) Act 1999 or section 81 of the Social Services and Well-being (Wales) Act 2014;”.

(**174**) Paragraph 9ZA was inserted by the Criminal Justice and Immigration Act 2008 (c. 4), Schedule 4, paragraphs 106, 107.

(**175**) Paragraph 6A was inserted by the Criminal Justice and Immigration Act 2008, Schedule 4, paragraphs 106, 108(1), (6).

(**176**) Section 22(2)(e) was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 1, paragraph 11.

173. For section 43(3)(b)(**177**) (local authority services: meaning of “relevant fostering functions”) substitute—

- “(b) “relevant fostering functions” means functions under—
- (i) section 22C of the 1989 Act in connection with placements with local authority foster parents or regulations under paragraph 12E(a), (b), (d) or (e) or 12F of Schedule 2 to that Act,
 - (ii) section 81 of the Social Services and Well-being (Wales) Act 2014 in connection with placements with local authority foster parents or regulations under section 92(1)(a), (b), (d) or (e) or section 93 of that Act.”

174. For section 78(1B)(**178**) (interpretation) substitute—

“(1B) A person falls within this subsection if the person is a category 3, 4, 5 or 6 young person, within the meaning of section 104 of the Social Services and Well-being (Wales) Act 2014, in respect of whom services are provided in Wales by, or on behalf of, or under arrangements with, a county council or county borough council in Wales.”

175. In section 121 (general interpretation)—

- (a) in subsection (1)—
 - (i) in the definition of “local authority foster parent” after “has the same meaning as in” insert “section 105(1) of”;
 - (ii) in the definition of “social services functions” after “1970” insert “or the Social Services and Well-being (Wales) Act 2014”;
- (b) for subsection (10) substitute—

“(10) References in this Act to a child being looked after by a local authority shall be construed—

 - (a) in relation to a local authority in England, in accordance with section 22 of the 1989 Act,
 - (b) in relation to a local authority in Wales, in accordance with section 74 of the Social Services and Well-being (Wales) Act 2014.”

176. In Schedule 4 (minor and consequential amendments)—

- (a) omit paragraph 14(23)(a)(i)(**179**);
- (b) omit paragraph 14(23)(a)(iii)(**180**).

Carers and Disabled Children Act 2000 (c. 16)

177.—(1) The Carers and Disabled Children Act 2000 is repealed.

(2) The repeal of that Act does not affect the validity of anything done before these Regulations come into force under section 17B of the Children Act 1989, or under regulations made under that section, as it applies by virtue of section 7(2) of the Carers and Disabled Children Act 2000 (reference to Secretary of State in section 17B to be treated as reference to the National Assembly for Wales in so far as the section applies in relation to Wales).

(**177**) Section 43(3)(b) was substituted by the Children and Young Persons Act 2008, Schedule 1, paragraph 13.

(**178**) Section 78(1), (1A), (1B) were substituted for section 78(1), as originally enacted, by the Children’s Commissioner for Wales Act 2001 (c. 18), section 1(1), (2).

(**179**) Paragraph 14(23)(a)(i) inserted the definition of “appropriate children’s home” into section 105(1) of the Children Act 1989. This definition was repealed by the Children and Young Persons Act 2008, Schedule 1, paragraph 3(1), (2).

(**180**) Paragraph 14(23)(a)(iii) substituted the definition of “children’s home” in section 105(1) of the Children Act 1989. This definition was further substituted by the Children and Young Persons Act 2008, Schedule 1, paragraph 3(1), (3).

Children (Leaving Care) Act 2000 (c. 35)

178. After section 6(2)(b) of the Children (Leaving Care) Act 2000 (exclusion from benefits) insert—

- “(ba) a category 1 young person within the meaning of section 104 of the Social Services and Well-being (Wales) Act 2014;
- (bb) a category 2 young person within the meaning of section 104 of the Social Services and Well-being (Wales) Act 2014;”.

Health and Social Care Act 2001 (c. 15)

179. Part 4 of the Health and Social Care Act 2001 (social care) is amended as follows.

180. Omit section 49 (exclusion of nursing care from community care services).

181. Omit section 50 (preserved rights: transfer to local authorities of responsibilities as to accommodation).

182. Omit section 54 (funding by resident of more expensive accommodation).

183. In section 55 (power for local authorities to take charges on land instead of contributions)—

(a) after subsection (2A)(**181**) insert—

“(2B) A local authority in Wales may not enter into, or be required by directions under subsection (2) to enter into, a deferred payment agreement on or after the day on which section 2 of the Social Services and Well-being (Wales) Act 2014 came into force.”

(b) for subsection (7)(**182**) substitute—

“(7) Any reference in this section to relevant contributions is a reference to—

- (a) so much of the payments which the resident is liable to pay to an authority for Part 3 accommodation (including any payments which are additional payments for the purpose of section 54) as may be specified in, or determined in accordance with, regulations made for the purposes of this subsection; and
- (b) any sum due to an authority by the resident under Part 1 of the Care Act 2014 or Part 5 of the Social Services and Well-being (Wales) Act 2014 in respect of meeting needs for care and support by the provision of accommodation for the resident, including anything provided in connection with that accommodation.”

184. Omit section 56 (cross border placements).

185. In section 57(**183**)(direct payments)—

(a) in subsection (1)—

- (i) for “subsection (2) or (2A)” substitute “subsection (2A)”;
- (ii) omit “(2) or (as the case may be)”;

(b) omit subsection (2);

(c) in subsection (2A), omit “in England”;

(d) in subsection (2B), for “subsection (2) or (2A)” substitute “subsection (2A)”;

(**181**) Section 55(2A) was inserted by [S.I. 2015/914](#), Schedule, paragraphs 62, 64(1), (2).

(**182**) Section 55(7) was substituted by [S.I. 2015/914](#), Schedule, paragraphs 62, 64(1), (3).

(**183**) Section 57 was amended by the Schedule to [S.I. 2015/914](#). Section 57(1) was amended by paragraphs 62, 65(1), (2)(a) and (b); subsections (2A) and (2B) were inserted by paragraphs 62, 65(1), (4); subsection (3) was amended by paragraphs 62, 65(1), (6).

- (e) in subsection (3) in each of paragraphs (a) and (g), for “subsection (2) or (2A)” substitute “subsection (2A)”;
- (f) omit subsection (7B).

186. In section 59(1)(**184**) (definitions)—

- (a) in the definition of “community care services” omit paragraph (a).
- (b) in the definition of “local authority”—
 - (i) omit paragraph (za);
 - (ii) in paragraph (a) for “in relation to Wales, or, in sections 55 and 57, England or Wales, has the meaning given by section 46(3) of the 1990 Act” substitute “does not, except in sections 55 and 57, include a local authority in England and, for the purposes of those sections in their application to local authorities in England, means a county council in England, a district council for an area in England which has no county council, a London borough council or the Common Council of the City of London”;
 - (iii) after paragraph (a) insert—
 - “(aa) does not, except in section 55, include a local authority in Wales and, for the purpose of that section in its application to local authorities in Wales, means the council of a county or county borough in Wales;”.

Homelessness Act 2002 (c. 7)

187. In section 4 of the Homelessness Act 2002 (interpretation for sections 1 to 3), in the definition of “social services authority”, after “1970 (c. 42)” insert “or Part 8 of the Social Services and Well-being (Wales) Act 2014”.

Adoption and Children Act 2002 (c. 38)

188. The Adoption and Children Act 2002 is amended as follows.

189. In section 2(5) (basic definitions) insert in the appropriate place in alphabetical order—
 ““the 2014 Act” means the [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#),”.

190. In section 3 (requirement for local authorities to maintain an adoption service), in subsection (6) for “(which include)” substitute “or for the purposes of the 2014 Act (which, in each case, include)”.

191. In section 30(6) (general prohibitions on removal) after “1989 Act” insert “or section 76(5) of the 2014 Act”.

192. In section 34(6) (placement orders: prohibition on removal) after “1989 Act” insert “or section 76(5) of the 2014 Act (removal of children from local authority accommodation)”.

193. In section 37 (applicants for adoption) after “1989 Act” insert “or section 76(5) of the 2014 Act”.

194. In section 38 (local authority foster parents)—

- (a) in subsection (3)(b) after “1989 Act” insert “or section 76(5) of the 2014 Act”;
- (b) in subsection (5)(a) after “1989 Act” insert “or section 76(5) of 2014 Act”;
- (c) in subsection (5)(c) after “1989 Act” insert “or section 76(5) of the 2014 Act”.

(184) In section 59(1), the definitions of “community care services” and “local authority” were amended by [S.I. 2015/914](#), Schedule, paragraphs 62, 66(1), (2), (3)(a) and (b).

195. In section 39 (partners of parents)—

- (a) in subsection (2)(b) after “1989 Act” insert “or section 76(5) of 2014 Act”;
- (b) in subsection (3)(c) after “1989 Act” insert “or section 76(5) of the 2014 Act”.

196. In section 40(2)(b) (other non-agency cases) after “1989 Act” insert “or section 76(5) of the 2014 Act”.

197. In section 53 (modification of 1989 Act in relation to adoption)—

- (a) in subsection (1) omit “of the 1989 Act”;
- (b) for subsection (2) substitute—
 - “(2) The provisions are—
 - (a) section 22(4)(b), (c) and (d) and (5)(b) of the 1989 Act (duty to ascertain wishes and feelings of certain persons);
 - (b) sections 6(4)(b) and 78(3)(a) of the 2014 Act (duty to ascertain wishes and feelings of certain persons);
 - (c) paragraphs 15 and 21 of Schedule 2 to the 1989 Act (promoting contact with parents and parents’ obligations to contribute towards maintenance);
 - (d) section 95 of and paragraph 1 of Schedule 1 to the 2014 Act (promoting contact with parents and parents’ obligations to contribute towards maintenance).”;
- (c) in subsection (3)(a) for “that Act” substitute “the 1989 Act”;
- (d) in subsection (4) for “that Act (contributions towards maintenance of children looked after by local authorities)” substitute “the 1989 Act (contributions towards maintenance of children looked after by local authorities) or under Schedule 1 to the 2014 Act (contributions towards maintenance of looked after children)”;
- (e) in the heading to the section, after “1989 Act” insert “and 2014 Act”.

198. In Schedule 6—

- (a) after “(where stated) of the 1989 Act” insert “or the 2014 Act”;
- (b) in the table, insert in the appropriate place in alphabetical order—

“the 2014 Act	section 2(5)”;
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- (c) in the table, for the expression “child looked after by a local authority” substitute—

“child looked after by a local authority (in relation to a local authority in England)	section 22 of the 1989 Act
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child looked after by a local authority (in relation to a local authority in Wales)	section 74 of the 2014 Act”;
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- (d) in the table, for the expression “local authority foster parent” substitute—

“local authority foster parent	section 105(1) of the 1989 Act”.
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Nationality, Immigration and Asylum Act 2002 (c. 41)

199.—(1) Paragraph 1(1) of Schedule 3 of the Nationality, Immigration and Asylum Act 2002 (withholding and withdrawal of support) is amended as follows.

- (2) Omit paragraphs (a), (b) and (e).

(3) Omit “or” at the end of paragraph (m).

(4) After paragraph (n) insert—

“or

(o) Part 4 (duty of local authority to meet needs) or sections 105 to 116 (leaving care, accommodation and fostering) of the Social Services and Well-being (Wales) Act 2014.”

Community Care (Delayed Discharges etc.) Act 2003 (c. 5)

200. Omit section 16 of the Community Care (Delayed Discharges etc.) Act 2003(**185**) (free provision of services in Wales).

Sexual Offences Act 2003 (c. 42)

201. The Sexual Offences Act 2003 is amended as follows.

202. In section 21(**186**) (positions of trust)—

- (a) in subsection (3)(a), after “Children Act 1989 (c. 41)” insert “or section 81(6) of the Social Services and Well-being (Wales) Act 2014”;
- (b) in subsection (3)(b) for “that Act” substitute “the Children Act 1989”;
- (c) in subsection (8)(a) after “Children Act 1989 (c. 41)” insert “or section 76 or 77 of the Social Services and Well-being (Wales) Act 2014”;
- (d) at the end of subsection (10)(a), insert “or”;
- (e) after subsection (10)(a), insert—

“(aa) section 106(1) of the Social Services and Well-being (Wales) Act 2014 in respect of category 1 or 2 young persons within the meaning of that Act,”.

203. In section 27(**187**) (family relationships), after subsection (5)(c)(ia) insert—

“(ib) he is a person with whom the child has been placed under section 81 of the Social Services and Well-being (Wales) Act 2014 in a placement falling within subsection (6) (a) or (b) of that section (placement with a local authority foster parent),”.

Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

204. The Health and Social Care (Community Health and Standards) Act 2003 is amended as follows.

205. In section 114 (complaints about social services)—

- (a) in subsection (2) for “under subsection (1)” substitute “under this section”;
- (b) omit subsections (3) and (4);
- (c) in subsection (5)—
 - (i) in paragraph (a) omit “in the case of regulations under subsection (1),”;
 - (ii) omit paragraph (b)(**188**);
- (d) in the heading at the end insert “: England”.

(**185**) Section 16 was substituted by [S.I. 2015/914](#), Schedule, paragraphs 68, 74.

(**186**) Section 21 was amended by the Children and Young Persons Act 2008, Schedule 1, paragraph 15 and by [S.I. 2008/1779](#). There are other amendments which are not relevant.

(**187**) Section 27(5)(c)(i) was substituted, by subsequent paragraph (c)(i) and (ia), by the Children and Young Persons Act 2008, Schedule 1, paragraph 16.

(**188**) Section 114(5)(b) was substituted by the Public Services Ombudsman (Wales) Act 2005 (c. 10), Schedule 6, paragraphs 74, 76(b).

206. In section 115 (complaints regulations: supplementary) in subsection (1) omit “or (3)”.

207. Omit section 116(2) and (3) (insertion of section 26ZB into Children Act 1989).

208. In section 148 (interpretation of Part 2)—

(a) in the definition of “local authority”—

(i) after “authority” insert

“—

(a) in relation to England,”;

(ii) at the end insert—

“(b) in relation to Wales, has the same meaning as in the Social Services and Well-being (Wales) Act 2014”;

(b) for the definition of “social services functions”**(189)** substitute the following—

““social services functions” in relation to —

(a) a local authority in England, has the same meaning as in the Local Authority Social Services Act 1970 but does not include—

(i) functions within section 135(1)(d) or (e) of the Education and Inspections Act 2006, or

(ii) functions prescribed by regulations under section 135(1)(f) of that Act;

(b) a local authority in Wales, has the same meaning as in section 143 of the Social Services and Well-being (Wales) Act 2014.”

209. In Schedule 4, omit paragraph 77 (amendment to section 24C of the Children Act 1989).

Criminal Justice Act 2003 (c. 44)

210. The Criminal Justice Act 2003 is amended as follows.

211. In section 159 (disclosure of pre-sentence reports), in subsection (7), in the definition of “social services functions”—

(a) after “given” insert

“—

(a) in relation to England,”;

(b) at the end insert—

“(b) in relation to Wales, has the meaning given by section 143 of the Social Services and Well-being (Wales) Act 2014”.

212. In section 325 (arrangements for assessing risks posed by certain offenders), in subsection (9), in the definition of “social services functions”**(190)**—

(a) after “given” insert

“—

(a) in relation to England,”;

(b) at the end insert—

“(b) in relation to Wales, has the meaning given by section 143 of the Social Services and Well-being (Wales) Act 2014”.

(189) The definition of “social services functions” was amended by the Education and Inspections Act 2006 (c. 40), Schedule 14, paragraphs 82, 93(1), (3).

(190) The definition of “social services functions” was inserted by S.I. 2010/1158.

Carers (Equal Opportunities) Act 2004 (c. 15)

213. In the Carers (Equal Opportunities) Act 2004, omit—

- (a) section 1(2);
- (b) section 2(2) and (3);
- (c) section 3(**191**);
- (d) section 4.

Public Audit (Wales) Act 2004 (c. 23)

214. In section 54 (restriction on disclosure of information) of the Public Audit (Wales) Act 2004, in subsection (5) for “the Local Authority Social Services Act 1970 (c. 42)” substitute “section 143 of the Social Services and Well-being (Wales) Act 2014”.

Children Act 2004 (c. 31)

215. The Children Act 2004 is amended as follows.

216. In section 9(4)(a)(**192**) (Commissioner’s functions in relation to certain young people) for “Children Act 1989” substitute “Social Services and Well-being (Wales) Act 2014”.

217. In section 25(10)(b) (co-operation to improve well-being: Wales) for sub-paragraph (i) substitute—

“(i) services under sections 105 to 118 and 176 of the Social Services and Well-being (Wales) Act 2014; or”.

218. Omit sections 31 to 34 (Local Safeguarding Children Boards in Wales).

219. In section 49 (payments to foster parents)—

- (a) in subsection (1)(a), after the words “Children Act 1989” insert “or section 81 of the Social Services and Well-being (Wales) Act 2014”;
- (b) in subsection (1)(b) for “that Act” substitute “the Children Act 1989”;
- (c) in subsection (2) omit the definition of “local authority foster parent” and “voluntary organisation”;
- (d) in subsection (2) after the definition of “appropriate person” insert—

““local authority foster parent” has the same meaning as in section 105(1) of the Children Act 1989;

“voluntary organisation” has the same meaning as in the Children Act 1989.”

220. In section 50A(**193**) (intervention – Wales)—

- (a) in subsection (2) omit paragraphs (a) and (b);
- (b) in subsection (4) omit the definition of “social services functions”.

221. In Schedule 2, omit paragraph 2(2)(b).

Income Tax (Trading and Other Income) Act 2005 (c. 5)

222. The Income Tax (Trading and Other Income) Act 2005 is amended as follows.

(191) Section 3 was amended by S.I. 2015/914, Schedule, paragraphs 75, 76.

(192) Section 9 was substituted by the Children and Families Act 2014 (c. 6) Schedule 5, paragraph 6(1).

(193) Section 50A was inserted by the School Standards and Organisation (Wales) Act 2013 (anaw 1), Schedule 5, paragraph 7(1), (3).

223. In section 744(**194**) (payments to adopters, etc: England and Wales)—

(a) after subsection (1)(i) insert—

“(j) payments made to a person under sections 37 to 39 of the Social Services and Well-being (Wales) Act 2014 (meeting care and support needs of children) by reason of that person being named in a child arrangements order as a person with whom a child is to live.”;

(b) in subsection (2) for “or (i)” substitute “, (i) or (j)”.

224. In section 776(2A)(**195**) (scholarship income) at end insert “or under sections 110(6) or 112(2) of the Social Services and Well-being (Wales) Act 2014 (duty to make payments to certain young people who pursue higher education)”.

225. In section 806 (meaning of providing foster care)—

(a) in subsection (3) after paragraph (a) insert—

“(aa) section 81 of the Social Services and Well-being (Wales) Act 2014 (provision of accommodation for children by local authorities).”;

(b) in subsection (5) after paragraph (e) insert—

“(f) an individual with whom the child is placed under a placement falling within section 81(6)(d) of the Social Services and Well-being (Wales) Act 2014.”

Mental Capacity Act 2005 (c. 9)

226. The Mental Capacity Act 2005 is amended as follows.

227. In section 39(**196**) (provision of accommodation by local authority), in subsection (2)—

(a) for paragraph (a) substitute—

“(a) Part 4 of the Social Services and Well-being (Wales) Act 2014; or”;

(b) omit the words following paragraph (b).

228. In section 64 (interpretation), in the definition of “social services function”—

(a) after “function” insert

“—

(a) in relation to England”;

(b) at the end insert—

“(b) in relation to Wales, has the meaning given in section 143 of the Social Services and Well-being (Wales) Act 2014 (anaw 4).”

229. In paragraph 183 of Schedule A1(**197**) (deprivation of liberty of hospital or care home residents: ordinary residence for the purpose of identifying supervisory authority)—

(a) omit sub-paragraphs (1) and (2);

(b) after sub-paragraph (2A) insert—

“(2B) Section 194(1), (2), (4) and (5) of the Social Services and Well-being (Wales) Act 2014 apply to a determination of where a person is ordinarily resident for the purposes of paragraphs 180, 181 and 182 as it applies for the purposes of that Act.”

(194) Section 744 was amended by the Finance (No 3) Act 2010 (c. 33), section 2(2).

(195) Section 776(2A) was inserted by the Children and Young Persons Act 2008, section 21(4).

(196) Section 39 was amended by S.I. 2015/914, Schedule, paragraphs 78, 79(1) to (4). There are other amendments which are not relevant.

(197) Schedule A1 was inserted by the Mental Health Act 2007 (c. 12), Schedule 7.

Public Services Ombudsman (Wales) Act 2005 (c. 10)

230. In Schedule 6 of the Public Services Ombudsman (Wales) Act 2005 (consequential amendments), in paragraph 76, omit sub-paragraph (b).

Childcare Act 2006 (c. 21)

231. The Childcare Act 2006 is amended as follows.

232. For section 25(2) (charges where local authority provide childcare) substitute—

“(2) Subsection (1) does not apply to childcare provided under sections 37 to 39 of the Social Services and Well-being (Wales) Act 2014 (meeting care and support needs of children), provision as to charges for such care being made by Part 5 of that Act.”

233. In Schedule 2 (amendments to Children Act 1989) omit paragraph 4.

Education and Inspections Act 2006 (c. 40)

234. The Education and Inspections Act 2006 is amended as follows.

235. In section 93A(7)(**198**) (recording and reporting the use of force by members of staff: England) in the definition of “parent”, after “Children Act 1989” insert “or section 76 of the Social Services and Well-being (Wales) Act 2014”.

236. In Schedule 14 (amendments to the Children Act 1989) omit paragraph 17.

National Health Service Act 2006 (c. 41)

237. The National Health Service Act 2006 is amended as follows.

238. In section 13N(**199**) (duty of Health Service Commissioning Board as to promoting integration), in subsection (4) in the definition of “social care services” after “1970” insert “or for the purposes of the Social Services and Well-being (Wales) Act 2014”.

239. In section 14Z1(**200**) (duty of clinical commissioning groups as to promoting integration), in subsection (3) in the definition of “social care services” after “1970” insert “or for the purposes of the Social Services and Well-being (Wales) Act 2014”.

240. In section 74 (supply of goods and services by local authorities), for subsection (4) substitute—

“(4) “services” means—

- (a) in relation to a local authority in England, the services of persons employed by the authority for the purposes of its functions under the Local Authority Social Services Act 1970 (c. 42);
- (b) in relation to a local authority in Wales, the services of persons employed by the authority for the purposes of its functions which are social services functions for the purposes of the Social Services and Well-being (Wales) Act 2014 (anaw 4).”

241. In section 77 (care trusts)—

- (a) in subsection (11) after the words “relevant social services functions” insert “of a local authority in England”;
- (b) after subsection (11), insert—

(198) Section 93A was inserted by the Apprenticeships, Skills, Children and Learning Act 2009, section 246.

(199) Section 13N was inserted by the Health and Social Care Act 2012 (c. 7), section 23(1).

(200) Section 14Z1 was inserted by the Health and Social Care Act 2012, section 26.

- “(11A) In connection with the exercise by a body so designated of any relevant social services functions under LA delegation arrangements, sections 145 to 149 of the Social Services and Well-being (Wales) Act 2014 (codes on the exercise of social services functions) apply to the body as if it were a local authority within the meaning of that Act.”;
- (c) in subsection (12), for the definition of “relevant social services functions” substitute—
- ““relevant social services functions” means—
- (a) in relation to a local authority in England, health-related functions which are social services functions within the meaning of the Local Authority Social Services Act 1970;
 - (b) in relation to a local authority in Wales, health-related functions which are social services functions within the meaning of the Social Services and Well-being (Wales) Act 2014.”

242. In section 78 (directed partnership arrangements), until the repeal of that section by paragraph 30 of Schedule 14 to the Health and Social Care Act 2012, at subsection (5) for the definition of “relevant social services functions” substitute—

““relevant social services functions” means health-related functions which are social services functions of local authorities in England within the meaning of the Local Authority Social Services Act 1970 (c. 42) or of local authorities in Wales within the meaning of the Social Services and Well-being (Wales) Act 2014 (anaw 4).”

- 243.** In section 256 (power to make payments towards expenditure on community services)—
- (a) in subsection (1)(a), after the words “a local social services authority” insert “in England”;
 - (b) after subsection (1)(a), insert—
 - “(aa) a local social services authority in Wales towards expenditure incurred or to be incurred by it in connection with any of its functions which are social services functions for the purposes of the Social Services and Well-being (Wales) Act 2014 (anaw 4).”

National Health Service (Wales) Act 2006 (c. 42)

244. The National Health Service (Wales) Act 2006 is amended as follows.

245. In section 32 (supply of goods and services by local authorities), for subsection (4) substitute—

- “(4) “services” means—
- (a) in relation to a local authority in England, the services of persons employed by the authority for the purposes of its functions under the Local Authority Social Services Act 1970 (c. 42);
 - (b) in relation to a local authority in Wales, the services of persons employed by the authority for the purposes of functions which are social services functions for the purposes of the Social Services and Well-being (Wales) Act 2014 (anaw 4).”

246. In section 35 (care trusts)—

- (a) in subsection (11) after the words “relevant social services functions” insert “of a local authority in England”;
- (b) after subsection (11) insert—
 - “(11A) In connection with the exercise by a body so designated of any relevant social services functions of a local authority in Wales under LA arrangements, sections 145 to 149 of the Social Services and Well-being (Wales) Act 2014 (codes on the exercise of social

services functions) apply to the body as if it were a local authority within the meaning of that Act.”;

- (c) in subsection (12), for the definition of “relevant social services functions” substitute—
- ““relevant social services functions” means—
- (a) in relation to a local authority in England, health-related functions which are social services functions within the meaning of the Local Authority Social Services Act 1970;
 - (b) in relation to a local authority in Wales, health-related functions which are social services functions for the purposes of the Social Services and Well-being (Wales) Act 2014 (anaw 4).”

247. In section 36 (directed partnership arrangements), in subsection (5), for the definition of “relevant social services functions” substitute—

““relevant social services functions” means health-related functions of local authorities in England within the meaning of the Local Authority Social Services Act 1970 (c. 42) or of local authorities in Wales for the purposes of the Social Services and Well-being (Wales) Act 2014 (anaw 4).”

248. In section 192 (local social services authorities)—

- (a) omit subsection (1);
- (b) in subsection (4), omit paragraph (b) and “or” before it;
- (c) in subsection (5), omit “and Schedule 15”.

249. In section 194 (power to make payments towards expenditure on community services)—

- (a) for subsection (1)(a), substitute—
 - “(a) a local social services authority in Wales towards expenditure incurred or to be incurred by it in connection with any of its functions which are social services functions for the purposes of the Social Services and Well-being (Wales) Act 2014 (anaw 4),”;
- (b) after subsection (1)(a), insert—
 - “(aa) a local social services authority in England towards expenditure incurred or to be incurred by it in connection with any social services functions (within the meaning of the Local Authority Social Services Act 1970 (c. 42)), other than functions under section 3 of the Disabled Persons (Employment) Act 1958 (c. 33),”.

250. Omit Schedule 15 (further provision about local social services authorities).

National Health Service (Consequential Provisions) Act 2006 (c. 43)

251. In paragraph 90 of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (consequential amendments to the Disabled Persons (Services, Consultation and Representation) Act 1986) omit sub-paragraph (h).

Safeguarding Vulnerable Groups Act 2006 (c. 47)

252. The Safeguarding Vulnerable Groups Act 2006 is amended as follows.

253. In section 6 (regulated activity providers)—

- (a) in subsection (8A)(**201**)—
 - (i) after “Health and Social Care Act 2001” omit “or”;
 - (ii) after “Care Act 2014” insert “or sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014”;
- (b) after the first subsection (8C)(**202**) insert—

“(8CA) A person (S) who is authorised as mentioned in subsection (5)(a) of section 50 of the Social Services and Well-being (Wales) Act 2014 does not make arrangements for another to engage in a regulated activity by virtue of anything that S does under subsection (5)(b) or (6)(b) of that section.”

254. In section 30(8)(**203**) (provision of vetting information) (until it ceases to have effect by virtue of section 72(1) of the Protection of Freedoms Act 2012)—

- (i) after “Health and Social Care Act 2001 (c 15),” omit “or”;
- (ii) after “Care Act 2014” insert “or in accordance with regulations made under sections 50 to 53 of the Social Services and Well-being (Wales) Act 2014”.

255. For section 53(7)(a) (fostering) substitute—

“(a) the person is a local authority foster parent within the meaning of section 105 of the Children Act 1989;”.

Income Tax Act 2007 (c. 3)

256.—(1) Section 38 of the Income Tax Act 2007 is amended as follows.

(2) In subsection (2), for paragraph (b) substitute—

“(b) registered as a severely sight-impaired adult in a register kept under section 18(1) of the Social Services and Well-being (Wales) Act 2014 (registers kept by local authorities in Wales).”

(3) In subsection (4)(**204**)—

- (a) in paragraph (a)—
 - (i) omit “as a blind person in a register kept under section 29 of the National Assistance Act 1948 or”;
 - (ii) after “Care Act 2014” insert “or section 18(1) of the Social Services and Well-being (Wales) Act 2014”;
- (b) in paragraph (b), omit “of blindness or”.

Offender Management Act 2007 (c. 21)

257. In Part 1 of Schedule 3 to the Offender Management Act 2007 (minor and consequential amendments) omit paragraph 4(7).

Criminal Justice and Immigration Act 2008 (c. 4)

258. The Criminal Justice and Immigration Act 2008 is amended as follows.

(**201**) Subsection (8A) was inserted by the Health and Social Care Act 2008 (c. 14) Schedule 14, paragraph 8.

(**202**) The first subsection (8C) was inserted by virtue of S.I. 2015/914, Schedule, paragraphs 89, 93(1), (3).

(**203**) Section 30(8) was amended by S.I. 2015/914, Schedule, paragraphs 85, 86.

(**204**) Section 38(4) was amended by S.I. 2015/914, Schedule, paragraph 88(1), (4)(a).

259. In section 7 (youth rehabilitation orders: interpretation) in subsection (5), in the definition of “social services functions”—

- (a) after the words “social services functions” insert “in relation to a local authority in England,”;
- (b) at the end insert—
 - “(b) in relation to a local authority in Wales, means the social services functions of the authority for the purposes of the Social Services and Well-being (Wales) Act 2014 (anaw 4).”

260. In paragraph 18 of Schedule 1 of the Criminal Justice and Immigration Act 2008 (fostering requirement)—

- (a) at the end of sub-paragraph (3), insert—
 - “or section 81 of the Social Services and Well-being (Wales) Act 2014.”;
- (b) in sub-paragraph (8) after “has the same meaning as it has in” insert “section 105(1) of”.

Children and Young Persons Act 2008 (c. 23)

261. The Children and Young Persons Act 2008 is amended as follows.

262. In section 20 (designated member of staff at school for pupils looked after by a local authority)—

- (a) in subsection (5)(a) after “1989 Act” insert “, Part 6 of the 2014 Act”;
- (b) after subsection (6)(b) insert—
 - “(ba) is a category 2 or 3 young person within the meaning of section 104 of the 2014 Act.”.

263. In section 31(**205**) (supply of information concerning the death of children to Local Safeguarding Children Boards)—

- (a) in subsection (2) for “appropriate Local Safeguarding Children Board” substitute “appropriate Board”;
- (b) in subsection (4) for “appropriate Local Safeguarding Children Board” substitute “appropriate Board”;
- (c) in subsection (6), after “Local Safeguarding Children Board” insert “in England or Safeguarding Children Board in Wales”;
- (d) in subsection (9) for “Each Local Safeguarding Children Board” substitute “Each Local Safeguarding Children Board in England and each Safeguarding Children Board in Wales”;
- (e) in subsection (10)—
 - (i) for the definition of “the appropriate Local Safeguarding Children Board” substitute—
 - ““the appropriate Board” means—
 - (a) the Local Safeguarding Children Board in England within whose area is situated the sub-district for which the register is kept; or
 - (b) the Safeguarding Children Board in Wales for the Safeguarding Board area within which is situated the sub-district for which the register is kept,

- and “Safeguarding Board area” has the meaning given by section 142 of the 2014 Act.”;
- (ii) at the end insert—
- ““Local Safeguarding Children Board in England” means a Board established by a local authority in England under section 13 of the Children Act 2004;
- “Safeguarding Children Board in Wales” means a Board established under section 134(4) of the 2014 Act.”;
- (f) in the heading after “Local Safeguarding Children Boards” insert “in England and Safeguarding Children Boards in Wales”.
- 264.** In section 32 (power of Registrar General to supply information to national authorities)—
- (a) for subsection (2) substitute—
- “(2) Information supplied under subsection (1) to the Secretary of State may be disclosed by the Secretary of State—
- (a) to any other person if the disclosure is for research purposes; and
- (b) to a Local Safeguarding Children Board in England or Safeguarding Children Board in Wales for the purposes of its functions.
- (2A) Information supplied under subsection (1) to the Welsh Ministers may be disclosed by them—
- (a) to any other person if the disclosure is for research purposes; and
- (b) to a Local Safeguarding Children Board in England or a Safeguarding Children Board in Wales for the purposes of its functions.”;
- (b) in subsection (4)—
- (i) after “section 83(1)” insert “or section 83A(1)”;
- (ii) at the end insert “or under section 184(1) of the 2014 Act.”;
- (c) after subsection (4) insert—
- “(5) “Local Safeguarding Children Board in England” and “Safeguarding Children Board in Wales” have the same meanings as in section 31.”
- 265.** In section 41 (interpretation) after the definition of “the 2000 Act” insert—
- ““the 2014 Act” means the Social Services and Well-being (Wales) Act 2014 ([anaw 4](#)).”
- 266.** In Schedule 1, omit paragraph 3(4) (definition of “local authority foster parent”).
- 267.** In Schedule 3 (minor and supplementary amendments to the Children Act 1989)—
- (a) omit paragraphs 2 to 19;
- (b) omit paragraph 21;
- (c) omit paragraph 22;
- (d) omit paragraph 26;
- (e) omit paragraph 27.

Learner Travel (Wales) Measure 2008 ([nawm 2](#))

- 268.**—(1) Section 24 (general interpretation) of the Learner Travel (Wales) Measure 2008 is amended as follows.

(2) In subsection (1) in the definition of “local authority” for “the Local Authority Social Services Act 1970 (c.42)” substitute “the Social Services and Well-being (Wales) Act 2014.”

(3) In subsection (2) for “section 22(1) of the Children Act 1989 (c.41)” substitute “section 74 of the Social Services and Well-being (Wales) Act 2014”.

Welfare Reform Act 2009 (c. 24)

269. The Welfare Reform Act 2009 is amended as follows.

270. In section 39(6) (relevant services)—

- (a) omit paragraph (b);
- (b) at the end of paragraph (c) add “or sections 37 to 39 of the Social Services and Well-being (Wales) Act 2014 (meeting care and support needs of children)”.

271. In section 50(206) (interpretation of Part 2), in the definition of “community care services” for paragraph (aa) substitute—

- “(aa) in relation to Wales, services under Part 4 of the Social Services and Well-being (Wales) Act 2014 or section 117 of the Mental Health Act 1983;”.

Policing and Crime Act 2009 (c. 26)

272. In paragraph 4 of Schedule 5A (activity requirements relating to supervision orders) to the Policing and Crime Act 2009, in sub-paragraph (15)(b), for the definition of “social services functions” substitute—

““social services functions” means—

- (a) in relation to a local authority in England, its social services functions within the meaning of the Local Authority Social Services Act 1970; and
- (b) in relation to a local authority in Wales, its social services functions for the purposes of the Social Services and Well-being (Wales) Act 2014 (anaw 4).”

Personal Care at Home Act 2010 (c. 18)

273. The Personal Care at Home Act 2010 is repealed.

Children, Schools and Families Act 2010 (c. 26)

274. Omit section 9 of the Children, Schools and Families Act 2010 (supply of information requested by LSCBs in Wales).

Children and Families (Wales) Measure 2010 (nawm 1)

275. The Children and Families (Wales) Measure 2010 is amended as follows.

276. Omit Part 3 (integrated family support teams).

277. Omit section 69 (local authority social services functions).

Social Care Charges (Wales) Measure 2010 (nawm 2)

278. The Social Care Charges (Wales) Measure 2010 is repealed.

(206) Section 50 was amended by S.I. 2015/914, Schedule, paragraph 94. There are other amendments which are not relevant.

Carers Strategies (Wales) Measure 2010 (nawm 5)

279. The Carers Strategies (Wales) Measure 2010 is repealed.

Mental Health (Wales) Measure 2010 (nawm 7)

280. The Mental Health (Wales) Measure 2010 is amended as follows.

281. In section 5(2) (meaning of “local primary mental health support services”)—

- (a) in the definition of “carers” for “section 22C(12)” substitute “section 105(1)”;
- (b) in the definition of “services”, in paragraph (c), for “Part III of the Children Act 1989” substitute “sections 37 to 39 and Part 6 of the Social Services and Well-being (Wales) Act 2014”.

282. In section 9(3)(d) (conduct of primary mental health assessments) for “Part III of the Children Act 1989” substitute “sections 37 to 39 and Part 6 of the Social Services and Well-being (Wales) Act 2014”.

283. Omit section 43 (amendment of the Local Authority Social Services Act 1970).

284. In section 49(1)(d) (meaning of secondary mental health services) for “Part III of the Children Act 1989” substitute “sections 37 to 39 and Part 6 of the Social Services and Well-being (Wales) Act 2014”.

285. In section 51 (general interpretation)—

- (a) in subsection (1) for the definition of “community care services” substitute—
““community care services” (“*gwasanaethau gofal cymunedol*”) means services provided to an adult pursuant to Part 4 of the Social Services and Well-being (Wales) Act 2014;”;
- (b) omit subsection (4).

Health and Social Care Act 2012 (c. 7)

286. Omit paragraph 50 of Schedule 5 to the Health and Social Care Act 2012 (amendment to section 24C(2) of the Children Act 1989).

Protection of Freedoms Act 2012 (c. 9)

287. In section 28 of the Protection of Freedoms Act 2012 (interpretation: chapter 2)—

- (a) in subsection (7) after “Children Act 1989” insert “or section 74 of the Social Services and Well-being (Wales) Act 2014”;
- (b) in subsection (8)—
 - (i) after “Children Act 1989” insert “or section 74 of the Social Services and Well-being (Wales) Act 2014”;
 - (ii) for “that Act” substitute “the Children Act 1989”.

Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)

288. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.

289. For section 107(6) (interpretation of chapter) substitute—

“(6) In this Chapter, references to a child who is looked after by a local authority are to be construed—

- (a) in relation to a local authority in England, in accordance with section 22 of the Children Act 1989;
- (b) in relation to a local authority in Wales, in accordance with section 74 of the Social Services and Well-being (Wales) Act 2014”.

290. In Schedule 1 (civil legal services)—

- (a) in Part 1, after paragraph 1(1)(j) insert—
 - “(k) orders under section 119 of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”) (secure accommodation);
 - (l) approval by a court under section 124 of the 2014 Act (arrangements to assist children to live abroad).”;
- (b) in Part 1, in paragraph 6(3), in the definition of “community care services”—
 - (i) omit paragraphs (a) to (d);
 - (ii) in paragraph (h) for “sections 22A, 22B, 22C and 23” substitute “sections 22A, 22B and 22C”;
 - (iii) omit paragraphs (k) and (m);
 - (iv) at the end insert—
 - “(o) section 15 of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”) (preventative services);
 - (p) Part 4 of the 2014 Act (local authority’s functions of meeting a person’s needs for care and support);
 - (q) section 76 of the 2014 Act (provision of accommodation for children);
 - (r) sections 79, 80 and 81 of the 2014 Act (accommodation and maintenance for children in care and looked after children);
 - (s) sections 105 to 116 of the 2014 Act (local authority support for certain children);”;
- (c) in Part 3, omit sub-paragraph (a) of paragraph 8.

Children and Families Act 2014 (c. 6)

291. Omit section 16(2) of the Children and Families Act 2014 (amendment to section 104A of the Children Act 1989).

Anti-Social Behaviour, Crime and Policing Act 2014 (c. 12)

292. In paragraph 4 of Schedule 2 to the Anti-social Behaviour, Crime and Policing Act 2014 (activity requirements relating to supervisions orders), in sub-paragraph (14)(b), after “1970” insert “in relation to a local authority in England or for the purposes of the Social Services and Well-being (Wales) Act 2014 in relation to a local authority in Wales”.

Care Act 2014 (c. 23)

293. In section 62 of the Care Act 2014 (power to meet child’s carer’s needs for support) in subsection (3) for “under section 17 of the Children Act 1989.” substitute—

“under—

- (a) section 17 of the Children Act 1989, or
- (b) sections 37 to 39 of the Social Services and Well-being (Wales) Act 2014.”

Social Services and Well-being (Wales) Act 2014 (anaw 4)

294. The Social Services and Well-being (Wales) Act 2014 is amended as follows.

295. In subsection (2)(h) of section 15 (preventative services) after “secure accommodation” insert “within the meaning given in section 119 and in section 25 of the Children Act 1989”.

296. In section 37(4) (duty to meet care and support needs of a child) after “notified about a child under section 120(2)(a)” insert “or under section 85(1) of the Children Act 1989 (children accommodated by health authorities and local education authorities)”.

297. In section 53 (direct payments: further provision)—

(a) omit subsection (11) from the English text⁽²⁰⁷⁾;

(b) after subsection (10) insert the following—

“(11) The ways in which a local authority may discharge its duty under section 117 of the Mental Health Act 1983 include by making direct payments; and for that purpose Schedule A1 (which includes modifications of sections 50 and 51 and this section) has effect.”

298. In section 58(1) (protecting property of persons being cared for away from home), in paragraph (a) for “or admission to hospital” substitute “, is admitted to hospital”.

299. In section 76 (accommodation for children without parents or who are lost or abandoned etc) after subsection (2) insert—

“(2A) Where a local authority in England provides accommodation under section 20(1) of the Children Act 1989 (provision of accommodation for children: general) for a child who is ordinarily resident in the area of a local authority in Wales, that local authority in Wales may take over the provision of accommodation for the child within—

(a) three months of being notified in writing that the child is being provided with accommodation, or

(b) such other longer period as may be specified.”

300. In section 77 (accommodation for children in police protection or detention or on remand etc)—

(a) in subsection (4)(b)(i) after “local authority” insert “or local authority in England”;

(b) in subsection (5) after “local authority” insert “or local authority in England”.

301. For section 86 (children’s homes provided, equipped and maintained by the Welsh Ministers) substitute—

“Children’s homes provided, equipped and maintained by Welsh Ministers or Secretary of State

86. Where a local authority places a child it is looking after in a children’s home provided, equipped and maintained by the Welsh Ministers or the Secretary of State under section 82(5) of the Children Act 1989, it must do so on such terms and conditions as the Welsh Ministers or the Secretary of State (as the case may be) may from time to time determine.”

302. In section 93(1) (regulations providing for approval of local authority foster parents) in paragraph (a) after “such local authority” insert “or other persons”.

⁽²⁰⁷⁾Section 53(11) is inserted by section 75(8) of the Care Act 2014 (c. 23) and was only enacted in English.

303. In section 95(4) (promotion and maintenance of contact between child and family) for “from another local authority (“the transferring authority”) under section 76” substitute “from a local authority or a local authority in England under section 76 (“the transferring authority”)”.

304. In section 119 (use of accommodation for restricting liberty)—

- (a) in subsection (2)(c) after “local authority” insert “or a local authority in England”;
- (b) in subsection (6) for the words from “representation funded by” to “Criminal Defence Service” substitute “the provision of representation under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”;
- (c) after subsection (10) insert—

“(11) An order made under this section in relation to a child, if it would otherwise still be in force, ceases to have effect when the child reaches the age of 18.”

305. In section 120(5) (assessment of children accommodated by health authorities and education authorities) after “local authority has been notified under this section” insert “, or under section 85 of the Children Act 1989 (assessment of children accommodated by health authorities and education authorities)”.

306. In section 122 (visitors for children notified to a local authority under section 120 or 121)—

- (a) in subsection (1)(a) after “section 120(2)(a) or 121(2)(a),” insert “or under section 85(1) of the Children Act 1989 (children accommodated by health authorities and local education authorities),”;
- (b) in subsection (1)(b) after “section 120(2)(b) or section 121(2)(b)” insert “, or under section 85(2) of the Children Act 1989”;
- (c) in the heading omit “under section 120 or 121”.

307. In section 123 (services for children notified to a local authority under section 120 or 121)—

- (a) in subsection (1) after “section 120 or 121” insert “, or under section 85 of the Children Act 1989 (children accommodated by health authorities and local education authorities)”;
- (b) in the heading omit “under section 120 or 121”.

308. After section 125 (death of children being looked after by local authorities) insert—

“Jurisdiction and procedure

Jurisdiction of courts

125A. For the purposes of this Part “court” (“*llys*”) means the High Court or a family court.

Rules of court

125B.—(1) An authority having power to make rules of court may make such provision for giving effect to—

- (a) this Part, or
- (b) the provisions of any statutory instrument made under this Part,

as it appears to that authority to be necessary or expedient.

(2) Section 93 of the Children Act 1989 (rules of court) applies to rules made in accordance with this section as it applies to rules made in accordance with that section.

The rules may, in particular, make provision—

- (a) with respect to the procedure to be followed in any relevant proceedings (including the manner in which any application is to be made or other proceedings commenced);
- (b) as to the persons entitled to participate in any relevant proceedings, whether as parties to the proceedings or by being given the opportunity to make representations to the court;
- (c) for children to be separately represented in relevant proceedings;
- (d) with respect to the documents and information to be furnished, and notices to be given, in connection with any relevant proceedings;
- (e) with respect to preliminary hearings;
- (f) enabling the court, in such circumstance as may be prescribed, to proceed on any application even though the respondent has not been given notice of the proceedings.

(3) In subsection (2)—

“notice of proceedings” (“*hysbysiad o achos*”) means a summons or such other notice of proceedings as is required; and “given” (“*rhoi*”) in relation to a summons, means “served” (“*cyflwyno*”);

“prescribed” (“*a ragnodir*”) means prescribed by the rules; and

“relevant proceedings” (“*achos perthnasol*”) means any application made, or proceedings brought, under any of the provisions mentioned in paragraphs (a) to (c) of subsection (1) and any part of such proceedings.

(4) This section and any other power in this Act to make rules of court are not to be taken as in any way limiting any other power of the authority in question to make rules of court.

(5) When making any rules under this section an authority will be subject to the same requirement as to consultation (if any) as apply when the authority make rules under its general rule making power.

Privacy for children involved in proceedings under this Part

125C. Section 97 of the Children Act 1989 (privacy for children involved in certain proceedings) applies in relation to children involved in any proceedings under this Part as it applies in relation to children involved in any proceedings under that Act.

125D.—(1) A person must not publish to the public at large or any section of the public any material which is intended, or likely, to identify—

(a) any child which is being involved in any proceedings before the High Court or the family court in which any power under this Act may be exercised by the court with respect to any child; or

(b) an address or school as being that of a child involved in any such proceedings.

(2) In any proceedings for an offence under this section it is a defence for the accused to prove that he or she did not know, and had no reason to suspect, that the published material was intended, or likely, to identify the child.

(3) The court or the Lord Chancellor may, if satisfied that the welfare of the child requires it and, in the case of the Lord Chancellor, if the Lord Chief Justice agrees, by order dispense the requirements of subsection (1) to such extent as may be specified in the order.

(4) For the purposes of this section—

“material” (“*deunydd*”) includes any picture or representation; and

“publish” (“*cyhoeddi*”) includes—

- (a) include in a programme service (within the meaning of the Broadcasting Act 1990);
- (b) cause material to be published.

(5) Any person who contravenes this section is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his or her functions under subsection (3).”

309. In section 134(2)(d) (safeguarding children boards and safeguarding adults boards) for “NHS trust” substitute “NHS Trust”.

310. In section 162(4)(f) (arrangements to promote co-operation: adults with needs for care and support and carers) for “NHS trust” substitute “NHS Trust”.

311. In section 164(4)(b) (duty to co-operate and provide information in the exercise of social services functions) for “NHS trust” substitute “NHS Trust”.

312. After section 164 (duty to co-operate and provide information in the exercise of social services functions) insert—

“Duty of other persons to co-operate and provide information

164A.—(1) If a local authority requests the co-operation of a person mentioned in subsection (4) in the exercise of its functions mentioned in subsection (5), the person must comply with the request unless the person considers that doing so would—

- (a) be incompatible with the person’s own duties, or
- (b) otherwise have an adverse effect on the exercise of the person’s functions.

(2) If a local authority requests that a person mentioned in subsection (4) provides it with information it requires for the purpose of the exercise of any of its functions mentioned in subsection (5), the person must comply with the request unless the person considers that doing so would—

- (a) be incompatible with the person’s own duties, or
- (b) otherwise have an adverse effect on the exercise of the person’s functions.

(3) A person who decides not to comply with a request under subsection (1) or (2) must give the local authority which made the request written reasons for the decision.

(4) The persons are—

- (a) a local authority in England;
- (b) a local housing authority in England;
- (c) the National Health Service Commissioning Board;
- (d) any clinical commissioning group, Special Health Authority, NHS Foundation Trust, or NHS trust in England established under section 25 of the National Health Service Act 2006;
- (e) any other persons—
 - (i) as regulations may specify, or
 - (ii) of a description as regulations may specify.

(5) The functions are—

- (a) the local authority's functions under section 14F of the Children Act 1989 (special guardianship support services);
- (b) any of the local authority's functions in relation to safeguarding and promoting the well-being of children and young persons, in particular those with needs for care and support, and their families and others;
- (c) any of the local authority's functions in relation to looked-after and accommodated children;
- (d) any of the local authority's functions in relation to young persons entitled to support under sections 105 to 115.

(6) Regulations under subsection (4)(e) may not specify the following persons without consent of the Secretary of State—

- (a) a Minister of the Crown, or
- (b) the governor of a prison or secure training centre (or in the case of a contracted out prison or secure training centre, its director).

(7) In this section “local housing authority” (“*awdurdod tai lleol*”) means a local housing authority within the meaning of the Housing Act 1985.”

313. In section 166(2)(b)(ii) (partnership arrangements) for “NHS trust” substitute “NHS Trust”.

314. In section 190 (provider failure: exception to temporary duty), in paragraph (d) of subsection (1), omit sub-paragraph (i).

315. In section 193 (recovery of costs between local authorities)—

- (a) in subsection (3) after “another local authority” insert “or local authority in England”;
- (b) in subsection (4) after “another local authority” insert “or local authority in England”;
- (c) in subsection (6)—
 - (i) for “subsection (7)” substitute “subsection (7) or (8)”;
 - (ii) after “under section 164(1) or (2)” insert “, or under section 27(2) of the Children Act 1989 (co-operation between authorities),”;
 - (iii) after “the local authority” insert “or local authority in England”;
- (d) after subsection (7) insert—

“(8) Where a local authority (“authority A”) complies with any request under section 27(2) of the Children Act 1989 (co-operation between authorities) from a local authority in England (“authority B”) in relation to a person—

- (a) whose responsible authority (within the meaning of Part 3 of that Act) is authority B for the purposes of section 23B or 23C of that Act, or
- (b) whom authority B are advising or befriending or to whom it is giving assistance by virtue of section 24(5)(a) of that Act,

authority A may recover from authority B any reasonable expenses incurred by it in exercising its functions under sections 105 to 115 of this Act in respect of that person.”

316. In section 194 (ordinary residence)—

- (a) after subsection (4) insert—

“(4A) A person who is being provided with accommodation under section 117 of the Mental Health Act 1983 (after-care) is to be treated for the purposes of this Act as ordinarily resident in the area of the local authority, or the local authority in England, on which the duty to provide that person with services under that section is imposed.”;

(b) omit subsection (4A) from the English text⁽²⁰⁸⁾.

317. In section 195 (disputes about ordinary residence and portability of care and support) after subsection (1) insert—

“(1A) Where the dispute is one to which section 30(2C) of the Children Act 1989 applies (questions of whether child ordinarily resident in England or Wales), then subsection (1) does not apply.”

318. After section 195 insert—

“Offences committed by bodies or partnerships

195A.—(1) Where a body corporate is guilty of an offence under this Act, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate; or
- (b) any person purporting to act in any such capacity,

that person is guilty of the offence as well as the body corporate, and is liable to be proceeded against and punished accordingly.

(2) For the purposes of this section “director” (“*cyfarwyddwr*”) in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Proceedings for an offence alleged to have been committed under this Act by an unincorporated body are to be brought in the name of that body (and not in that of any of its members) and, for the purposes of any such proceedings, any rules of court relating to the service of documents have effect as if that body were a corporation.

(4) Any fine imposed on an unincorporated body on its conviction of an offence under this Act is to be paid out of the funds of that body.

(5) If an unincorporated body is charged with an offence under this Act, section 33 of the Criminal Justice Act 1925 (c. 86) and Schedule 3 to the Magistrates’ Courts Act 1980 (c. 43) have effect as if a corporation had been charged.

(6) Where an offence under this Act committed by an unincorporated body (other than a partnership) is proved to have been committed with the consent or connivance of, or attributable to any neglect on the part of, any officer of the body or any member of its governing body, that person as well as the body is guilty of the offence and liable to be proceeded against and punished accordingly.

(7) Where an offence under this Act committed by a partnership or a Scottish partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, that partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.”

319. In section 197 (general interpretation and index of defined expressions)—

(a) in subsection (1) for the definition of “local authority foster parent” substitute—

““local authority foster parent” (“*rhiant maeth awdurdod lleol*”) means a person authorised as such in accordance with regulations made by virtue of—

- (a) sections 87 and 93;
- (b) paragraph 12F of Schedule 2 to the Children Act 1989 (regulations providing for approval of local authority foster parents);”;

⁽²⁰⁸⁾Section 194(4A) is inserted by section 75(10) of the Care Act 2014 (c. 23) and was enacted in English only.

(b) for subsection (2)(b) substitute—

“(b) a reference to a child looked after by a local authority in England has the same meaning as a reference in section 22 of the Children Act 1989 to a child who is looked after by a local authority in England;”.

320. In Schedule 1, in paragraph 3 (contribution orders) at the end insert—

“(12) A contribution order in relation to a child, if it would otherwise still be in force, ceases to have effect when the child reaches the age of 18.”

321. In Schedule 1, in paragraph 4 (enforcement of contribution orders)—

(a) omit sub-paragraphs (1) and (2);

(b) in sub-paragraph (3) after “any other local authority” insert “or a local authority in England”.

322. Omit Schedule A1 from the English text(209).

323. Before Schedule 1 insert the following—

“Schedule A1

Direct Payments: After-care Under the Mental Health Act 1983

General

1. Section 50 (direct payments to meet an adult’s needs), 51 (direct payments to meet a child’s needs) and 53 (direct payments: further provision) apply in relation to section 117 of the Mental Health Act 1983 but as if the following modifications were made to those sections.

Modifications to section 50

2. For subsection (1) of section 50 substitute—

“(1) Regulations may require or allow a local authority to make payments to an adult to whom section 117 of the Mental Health Act 1983 (after-care) applies that are equivalent to the cost of providing or arranging for the provision of after-care services for the adult under that section.”

3. In subsection (3) of that section—

(a) in paragraph (a), for “who has needs for care and support (“A”)” substitute “in respect of the provision to the adult (“A”) of after-care services under section 117 of the Mental Health Act 1983”, and

(b) in paragraph (c)(i), for “of meeting A’s needs” substitute “of discharging its duty towards A under section 117 of the Mental Health Act 1983”.

4. In subsection (4) of that section—

(a) in paragraph (a), for “who has needs for care and support (“A”)” substitute “to whom section 117 of the Mental Health Act 1983 applies (“A”)”, and

(b) in paragraph (d)(i) for “of meeting A’s needs” substitute “of discharging its duty towards A under section 117 of the Mental Health Act 1983”.

5. In subsection (5) of that section—

(209) Schedule A1 is inserted by section 75(9) of and Part 2 of Schedule 4 to the Care Act 2014 (c. 23) which was only enacted in English.

- (a) in paragraph (a), for “A’s needs for care and support” substitute “the provision to A of after-care services under section 117 of the Mental Health Act 1983”, and
- (b) in paragraph (b), for “towards the cost of meeting A’s needs for care and support” substitute “equivalent to the cost of providing or arranging the provision to A of after-care services under section 117 of the Mental Health Act 1983”.

6. In subsection (6)(b) of that section, for “A’s needs for care and support” substitute “the provision to A of after-care services under section 117 of the Mental Health Act 1983”.

Modifications to section 51

7. For subsection (1) of section 51 substitute—

“(1) Regulations may require or allow a local authority to make payments to a person in respect of a child to whom section 117 of the Mental Health Act 1983 (after-care) applies that are equivalent to the cost of providing or arranging the provision of after-care services for the child under that section.”

8. In subsection (3)(a) and (b) of that section, for “who has needs for care and support” (in each place it occurs) substitute “to whom section 117 of the Mental Health Act 1983 applies”.

9. In subsection (5)(a) of that section, for “meeting the child’s needs” substitute “discharging its duty towards the child under section 117 of the Mental Health Act 1983”.

Modifications to section 53

10. In subsection (1) of section 53—

- (a) in the opening words, for “50, 51 or 52” substitute “50 or 51”,
- (b) omit paragraphs (a), (b) and (c),
- (c) in paragraph (i), for “local authority’s duty or power to meet a person’s needs for care and support or a carer’s needs for support is displaced” substitute “a local authority’s duty under section 117 of the Mental Health Act 1983 (after-care) is discharged”, and
- (d) in paragraph (k), for “50 to 52” substitute “50 or 51”.

11. Omit subsections (2) to (8) of that section.

12. After subsection (8) of that section insert—

“(8A) Regulations made under sections 50 and 51 must specify that direct payments to meet the cost of providing or arranging for the provision of after-care services under section 117 of the Mental Health Act 1983 (after-care) must be made at a rate that the local authority estimates to be equivalent to the reasonable cost of securing the provision of those services to meet those needs.”

13. In subsection (9) of that section—

- (a) for “, 51 or 52” substitute “or 51”, and
- (b) for “care and support (or, in the case of a carer, support)” substitute “after-care services”.

14. In subsection (10) of that section, for “care and support (or, in the case of a carer, support) to meet needs” substitute “after-care services”.

324. In Schedule 2—

- (a) in the second column of the entry relating to the Public Health (Control of Disease) Act 1984, for “Part 2” substitute “Part 4”;

- (b) in the first column of the entry relating to the Disabled Persons (Services, Consultation and Representation) Act 1986, for “Sections 1 to 3 and 5(5)” substitute “Sections 1, 2 and 5(5)”;
- (c) for the entry relating to the Children Act 1989 substitute—

“Children Act 1989

The whole Act in so far as it confers functions on a local authority in Wales within the meaning of the Act except—

- (a) Part 3 and Schedule 2 (local authority support for children and families);
- (b) section 36 and paragraphs 12 to 19(1) of Schedule 3 (education supervision orders).

Welfare reports; consent to application for residence order in respect of child in care; functions relating to special guardianship orders; family assistance orders; care and supervision; protection of children; functions in relation to community homes, voluntary homes and voluntary organisations, private children’s homes, and private arrangements for fostering children; inspection of children’s homes on behalf of the Welsh Ministers; research and returns of information.”;

- (d) after the entry relating to the Children Act 1989 insert—

“National Health Service and Community Care Act 1990

Section 47

Assessment of needs for services under section 117 of the Mental Health Act 1983.”;

- (e) in the entry relating to the Children and Families (Wales) Measure 2010, after the entry relating to section 66 insert—

“Section 67

The provision of relevant care services within the meaning of that section.”

Transitional and saving provisions

325. The Schedule (which contains transitional and saving provisions) has effect.

General

326. These Regulations do not affect the operation of article 3(1) or (3) of the Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015(210).

19 March 2016

Mark Drakeford
Minister for Health and Social Services, one of
the Welsh Ministers

SCHEDULE

Regulation 325

Transitional and saving provisions

Interpretation**1.** In this Schedule—

- “the Act” (“*y Ddeddf*”) means the Social Services and Well-being (Wales) Act 2014;
- “the 1948 Act” (“*Deddf 1948*”) means the National Assistance Act 1948(**211**);
- “the 1983 Act” (“*Deddf 1983*”) means the Health and Social Services and Social Security Adjudications Act 1983(**212**);
- “the 2001 Act” (“*Deddf 2001*”) means the Health and Social Care Act 2001(**213**);
- “the 2004 Act” (“*Deddf 2004*”) means the Children Act 2004(**214**);
- “the 2013 Act” (“*Deddf 2013*”) means the Schools Standards and Organisation (Wales) Act 2013(**215**).

Section 26 of the Children Act 1989

2. In accordance with the provision made in article 3 of the Children and Young Persons Act 2008 (Commencement No. 8 and Saving Provision) (Wales) Order 2016(**216**) and notwithstanding the provision made in regulation 90, section 26 of the Children Act 1989 continues to have effect without amendment for the purposes of paragraph 10(2)(l) of that Act (regulations as to the placing of children in private children’s homes).

General transitional and saving provisions

3.—(1) Despite the amendments made by these Regulations, on or after the date on which these Regulations come into force—

- (a) support or services may continue to be provided, and
- (b) payments towards the cost of support or services may continue to be made,

in the case of a person to whom, or in relation to whom, support or services are being provided, or payments towards the cost of support or services are being made, immediately before these Regulations come into force.

(2) Sub-paragraph (1) applies until—

- (a) Part 4 of the Act applies in relation to the provision of support or services, or the making of payments towards the cost of support or services, in that person’s case by virtue of transitional provision made in an order under section 199(2) of the Act (commencement), or
- (b) if earlier, 31 March 2017.

(3) Despite the amendments made by these Regulations—

(211) 1948 c. 29.

(212) 1983 c. 41.

(213) 2001 c. 15.

(214) 2004 c. 31.

(215) 2013 anaw 1.

(216) S.I.2016/452 (W. 143) (C. 22). Article 3 makes provision which provides that despite the amendments made to section 26 of the Children Act 1989 (c. 41) by the coming into force of the provision within section 10 of the Children and Young Persons Act 2008, section 26 of the Children Act 1989 continues to have effect without amendment for the purposes of making regulations under paragraph 10(2)(l) of Schedule 6 to that Act (regulations as to the placing of children in private children’s homes).

- (a) any provision that operates in relation to, or by reference to, support or services provided, or payments towards the cost of support or services made, before or (in accordance with sub-paragraph (1)) on or after the date on which these Regulations come into force, and
- (b) anything done under that provision,

continue to have effect for the purpose of that support or those services or payments, subject to sub-paragraph (6).

(4) The references in sub-paragraph (3) to support or services provided, or payments made, before the date on which these Regulations come into force include support or services that are not provided but are or may be required or permitted to be provided, or payments that are not made but are or may be required or permitted to be made, before that date.

(5) The provision referred to in sub-paragraph (3) includes in particular provision about—

- (a) costs and other amounts payable and their recovery;
- (b) civil legal services (within the meaning of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012);
- (c) offences.

(6) Sub-paragraph (3) does not authorise a local authority to do any of the following on or after the date on which these Regulations come into force—

- (a) create a charge under section 22(1) of the 1983 Act;
- (b) make an order under section 23(1) of that Act;
- (c) enter into a deferred payment agreement under section 55(1) of the 2001 Act.

(7) Where under these Regulations an enactment ceases to have effect for a purpose for which a local authority holds land immediately before these Regulations come into force, the land is to be treated as appropriated for whatever purposes of the Act the authority may designate.

(8) Where under these Regulations an enactment ceases to have effect for a purpose for which a local authority has a right to use land immediately before these Regulations come into force—

- (a) the authority continues to have that right to use the land for whatever purposes of the Act the authority may designate, but
- (b) that does not affect the circumstances (other than the enactment ceasing to have effect) in which the right ceases.

(9) This paragraph is without prejudice to section 16 of the Interpretation Act 1978(217) (general savings).

Transitional provision in relation to enforcement of debts

4.—(1) Subject to sub-paragraphs (4) and (5), a sum or charge to which sub-paragraph (2) applies is recoverable under section 70 of the Act (recovery of charges, interest etc) as if it were an amount due to the local authority in question under Part 5 of the Act.

(2) This sub-paragraph applies to any sum or charge due to a local authority in Wales under any of the relevant provisions in respect of support or services (including a sum or charge which becomes due on or after the date on which these Regulations come into force).

(3) For the purposes of sub-paragraph (2), the relevant provisions are—

- (a) Part 3 of the 1948 Act (local authority services);
- (b) section 17 of the 1983 Act (charges for local authority services in England and Wales);

- (c) section 29 of the Children Act 1989⁽²¹⁸⁾;
- (d) Part 3 of Schedule 2 to that Act;
- (e) the Social Care Charges (Wales) Measure 2010⁽²¹⁹⁾.

(4) Sub-paragraph (1) does not apply to a sum or charge in respect of which proceedings for recovery have begun prior to these Regulations coming into force.

(5) A sum or charge is recoverable under sub-paragraph (1) within the period within which it would, but for this paragraph, have been recoverable under section 56 of the 1948 Act (legal proceedings) or, as the case may be, under any of the relevant provisions.

(6) Notwithstanding paragraph 3(3) of this Schedule, neither section 56(1) of the 1948 Act nor any of the relevant provisions apply in relation to a sum or charge which is recoverable under sub-paragraph (1).

Transitional provision relating to ordinary residence disputes

5. Any question as to an adult's ordinary residence arising under the 1948 Act and which is to be determined by the Welsh Ministers on or after these Regulations come into force is to be determined in accordance with section 195 of the Act (disputes about ordinary residence and portability of care and support).

Transitional provision in relation to protecting property of persons admitted to hospitals etc.

6.—(1) Notwithstanding paragraph 3(3) of this Schedule, any steps taken immediately before these Regulations come into force by a local authority in Wales to prevent or mitigate the loss of, or damage to, property in accordance with section 48 of the 1948 Act (duty of councils to provide temporary protection for property of persons admitted to hospitals etc.) are, on or after these Regulations come into force, to be treated as taken in accordance with section 58 of the Act (protecting property of persons being cared for away from home).

(2) Any reasonable expenses incurred but not recovered before these Regulations come into force by the local authority in Wales under section 48 of the 1948 Act may, on or after these Regulations come into force, be recovered under section 58(9) of the Act.

Savings provision in relation to Welsh Ministers powers to intervene

7.—(1) Despite the amendments made by these Regulations, section 7D of the Local Authority Social Services Act 1970 will continue to apply in any case where an order containing directions has been made under section 7D(1) and the period for complying with the directions has not expired before the coming into force of these Regulations.

(2) Despite the amendments made by these Regulations, the application of Chapter 2 of Part 2 of the 2013 Act (intervention in local authorities) by section 50A(1) of the 2004 Act (intervention – Wales) will continue in any case where—

- (a) the Welsh Ministers are satisfied that there are grounds for intervention in the exercise by a local authority of the functions specified in section 50A(2) of the 2004 Act and the compliance period in a warning notice given under section 22 of the 2013 Act has not expired before the coming into force of these Regulations, or
- (b) immediately before these Regulations come into force, the Welsh Ministers have the power to intervene under Chapter 2 of Part 2 of the 2013 Act in the exercise by a local authority of the functions specified in section 50A(2) of the 2004 Act.

⁽²¹⁸⁾1989 c. 41.

⁽²¹⁹⁾2010 nawm 2.

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.