STATUTORY INSTRUMENTS

2017 No. 901

SOCIAL SECURITY
CHILD SUPPORT

The Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Order 2017

Made - - - -	*7th September 2017*
Laid before Parliament	*13th September 2017*
Coming into force - -	*3rd November 2017*

The Secretary of State for Work and Pensions makes the following Order in exercise of the powers conferred by sections 3(3)(c), 42(1), 52(4) and 54(1) of the Child Support Act 1991(**1**), sections 136(3) and (5)(b), 137(1) and (2)(i) and (l), 138(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(**2**), sections 12(4)(b), 35(1) and 36(2) and (4)(a) of, and paragraph 12 of Schedule 1 to, the Jobseekers Act 1995(**3**), sections 15(3) and (6)(b) and 17(1) of the State Pension Credit Act 2002(**4**), section 150(1)(a) of the Government of Wales Act 2006(**5**) and sections 17(3)(b), 24(1) and 25(2), (3) and (5)(a) of, and paragraph 6(8) of Schedule 1 to, the Welfare Reform Act 2007(**6**).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992(**7**), the Social Security Advisory Committee has agreed that proposals in respect of articles 20, 22 and 24 to 27 (**8**) should not be referred to it.

In respect of the provisions in articles 25 and 26, in accordance with section 176(1) of the Social Security Administration Act 1992(**9**) the Secretary of State has consulted with organisations appearing to him to be representative of the authorities concerned.

(**1**) 1991 c. 48. Section 54(1), which was inserted by Schedule 7 to the Child Maintenance and Other Payments Act 2008 (c. 6), is cited for the meaning of "prescribed".
(**2**) 1992 c. 4. Section 175(1) and (4) was amended by paragraphs 29(2) and (4) of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2) and section 175(1), (3) and (4) is applied to provisions of the State Pension Credit Act 2002 (c.16) by section 19(1) of that Act. Sections 137(1) and 138(4) are cited for the meaning of "prescribed".
(**3**) 1995 c. 18. Section 35(1) is cited for the meaning of "prescribed" and "regulations".
(**4**) 2002 c. 16. Section 17(1) is cited for the meanings of "prescribed" and "regulations".
(**5**) 2006 c. 32.
(**6**) 2007 c. 5. Section 24(1) is cited for the meaning of "prescribed" and "regulations".
(**7**) 1992 c. 5.
(**8**) These provisions are contained in an order by virtue of section 105(1) of the Deregulation Act 2015 (c. 20) and, by virtue of section 105(3) of that Act, the reference in sections 172 and 173 of the Social Security Administration Act 1992 to making proposals in regulations includes making proposals in an order.
(**9**) Section 176(1) was amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992 (c. 14), paragraph 3(4) of Schedule 13 to the Housing Act 1996 (c. 52) and section 69(6) of the Child Support, Pensions and Social Security Act

PART 1

Preliminary

Citation and commencement

1. This Order may be cited as the Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Order 2017 and comes into force on 3rd November 2017.

PART 2

Amendments in consequence of the Social Services and Well-being (Wales) Act 2014

Amendment of the Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987(**10**) are amended as follows.

(2) In regulation 13 (circumstances in which persons in relevant education are to be entitled to income support), in paragraph (2)(dd), after "hearings etc)" insert "or Part 4 (meeting needs) or Part 6 (looked after and accommodated children) of the Social Services and Well-being (Wales) Act 2014(**11**)".

(3) In regulation 16 (circumstances in which a person is to be treated as being or not being a member of the household)—

(a) in paragraph (4), after sub-paragraph (a) insert—

"(aa) placed with the claimant or his partner by a local authority under section 81(2) of the Social Services and Well-being (Wales) Act 2014; or";

(b) in paragraph (8)—

(i) in sub-paragraph (za)—

(aa) at the end of paragraph (iii) omit "or";

(bb) at the end of paragraph (iv) insert—

" or

(v) under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (duty and power to meet care and support needs of an adult),";

(ii) in sub-paragraph (a), for "and the Children Act 1989" substitute ", the Children Act 1989 and the Social Services and Well-being (Wales) Act 2014".

(4) In regulation 62 (calculation of grant income), in paragraph (2)(k), after "1989" insert "or Part 6 of the Social Services and Well-being (Wales) Act 2014".

(5) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 26, after sub-paragraph (a)(i) insert—

2000 (c. 19). By virtue of section 105(3) of the Deregulation Act 2015, the reference in section 176 of the Social Security Administration Act 1992 to "making regulations relating to housing benefit" includes making provision in an order.

(**10**) S.I. 1987/1967; relevant amending instruments are S.I. 1989/563, 1992/468, 1993/2119, 1995/1613, 1997/65, 1998/563, 1998/2117, 2000/681, 2001/3767, 2003/762, 2003/2279, 2004/1748, 2005/2078, 2005/2687, 2008/698, 2009/583, 2010/641, 2010/2429, 2011/1740, 2013/1465, 2014/513, 2015/643 and 2016/732.

(**11**) 2014 anaw 4.

"(ia) section 81(2) of the Social Services and Well-being (Wales) Act 2014 (ways in which looked after children are to be accommodated and maintained),";

(b) in paragraph 27, after sub-paragraph (dza) insert—

"(dzb) the person concerned where the payment is for the provision of accommodation to meet that person's needs for care and support under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (duty and power to meet care and support needs of an adult);";

(c) in paragraph 28, in sub-paragraph (1)—

(i) at the end of paragraph (b) omit "or";

(ii) in paragraph (c) for "1995." substitute—

"1995, or

(d) the following sections of the Social Services and Well-being (Wales) Act 2014—

(aa) section 37 or 38, but excluding any direct payment made in accordance with regulations made under section 51 of that Act, or

(bb) section 109, 110, 114 or 115.";

(d) in paragraph 30, in sub-paragraph (1)(e), at the end insert "or Part 4 of the Social Services and Well-being (Wales) Act 2014 (meeting needs) other than any direct payment made in accordance with regulations made under section 50 or 52 of that Act";

(e) in paragraph 30A, in sub-paragraph (2)(b), at the end insert "or under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (duty and power to meet care and support needs of an adult)";

(f) in paragraph 58, at the end insert ", or in accordance with regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments)";

(g) in paragraph 66, after "2014 (care and support)" insert ", or the provision of care and support in respect of an adult under Part 4 of the Social Services and Well-being (Wales) Act 2014 (meeting needs)".

(6) In Schedule 10 (capital to be disregarded)—

(a) in paragraph 17, in sub-paragraph (1)—

(i) at the end of paragraph (b) omit "or";

(ii) in paragraph (c) for "1995." substitute—

"1995, or

(d) the following sections of the Social Services and Well-being (Wales) Act 2014—

(aa) section 37 or 38, but excluding any direct payment made in accordance with regulations made under section 51 of that Act, or

(bb) section 109, 110, 114 or 115.";

(b) in paragraph 43, after "1958" insert "or under Part 4 of the Social Services and Well-being (Wales) Act 2014";

(c) in paragraph 67, at the end insert ", or in accordance with regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments)".

Amendment of the Social Security (Attendance Allowance) Regulations 1991

3. In regulation 7 of the Social Security (Attendance Allowance) Regulations 1991 (persons in care homes)(**12**), in paragraph (2)(a)—

(a) at the end of paragraph (vii) omit "or";

(b) after paragraph (vii) insert—

"(viii) Part 4 of the Social Services and Well-being (Wales) Act 2014 (meeting needs), or".

Amendment of the Social Security (Disability Living Allowance) Regulations 1991

4. In regulation 9 of the Social Security (Disability Living Allowance) Regulations 1991 (persons in care homes)(**13**)—

(a) at the end of paragraph (2)(a)(vii), omit "or";

(b) after paragraph (2)(a)(vii), insert—

"(viii) Part 4 of the Social Services and Well-being (Wales) Act 2014 (meeting needs), or";

(c) in the opening words of paragraph (4), omit "who";

(d) at the beginning of paragraphs (4)(a) and (b), insert "who";

(e) after paragraph (4)(b), insert—

"(ba) to whom section 37, 38 or 42 of the Social Services and Well-being (Wales) Act 2014 applies; or";

(f) in paragraph (5), for "(a) and (b)" substitute "(a), (b) and (ba)".

Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992

5.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations 1992(**14**) are amended as follows.

(2) In regulation 27A (child in care who is allowed to live with their parent), in paragraph (1) after "1989" insert "or under section 81(2) of the Social Services and Well-being (Wales) Act 2014".

(3) In Schedule 2 (amounts to be disregarded when calculating or estimating N and M)—

(a) after paragraph 31, insert—

"**31A.** In Wales, any payment made by a local authority under—

(a) section 37 or 38 of the Social Services and Well-being (Wales) Act 2014 but excluding any direct payment made in accordance with regulations made under section 51 of that Act; or

(b) section 104 of that Act as it applies to category 5 or category 6 young persons within the meaning of section 104(2) of that Act.";

(b) in paragraph 48C—

(i) the existing provision is to stand as sub-paragraph (1);

(ii) after sub-paragraph (1) insert—

(**12**) S.I.1991/2740; relevant amending instruments are S.I. 2007/2875, 2013/389, 2013/2270 and 2015/643.
(**13**) S.I. 1991/2890; relevant amending instruments are S.I. 2007/2875, 2013/389, 2013/2270 and 2015/643.
(**14**) S.I. 1992/1815; relevant amending instruments are S.I. 1993/913, 1996/3196, 2001/155, 2004/1748, 2012/2785, 2014/513, 2014/1386 and 2014/1621. These regulations are revoked in relation to particular cases.

"(2) In relation to Wales, any payment to a person as a direct payment made in accordance with regulations made under sections 50 to 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments) in respect of his securing services under Part 4 of the Social Services and Well-being (Wales) Act 2014.".

Amendment of the Jobseeker's Allowance Regulations 1996

6.—(1) The Jobseeker's Allowance Regulations 1996(**15**) are amended as follows.

(2) In regulation 60 (young persons at the end of the child benefit extension period), in paragraph (1), for sub-paragraph (a) substitute—

"(a) a person who has ceased to live in accommodation provided for him by a local authority under—

(i) Part 3 of the Children Act 1989 (local authority support children and families), or

(ii) Part 4 (meeting needs) or 6 (looked after and accommodated children) of the Social Services and Well-being (Wales) Act 2014, and

is of necessity living away from his parents and any person acting in place of his parents;".

(3) In regulation 78 (circumstances in which a person is to be treated as being or not being a member of the household)—

(a) in paragraph (4), after sub-paragraph (a) insert—

"(aa) placed with the claimant or his partner by a local authority under section 81(2) of the Social Services and Well-being (Wales) Act 2014; or";

(b) in paragraph (9)—

(i) in sub-paragraph (za), at the end of paragraph (iii) insert—

" or

(iv) in Wales, under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (duty and power to meet care and support needs of an adult);";

(ii) in sub-paragraph (a) for "and the Children Act 1989" substitute ", the Children Act 1989 and the Social Services and Well-being (Wales) Act 2014".

(4) In regulation 131 (calculation of grant income), in paragraph (2)(j), after "1989" insert "or Part 6 of the Social Services and Well-being (Wales) Act 2014".

(5) In regulation 140 (meaning of "person in hardship"), in paragraph (1)(k)—

(a) in paragraph (i), after "1989" insert "or the Social Services and Well-being (Wales) Act 2014";

(b) in paragraphs (ii) and (iii), for "that Act" substitute "either of those Acts".

(6) In regulation 146A (meaning of "couple in hardship"), in paragraph (1)(h)—

(a) in paragraph (i), after "1989" insert "or the Social Services and Well-being (Wales) Act 2014";

(b) in paragraphs (ii) and (iii), for "that Act" substitute "either of those Acts".

(7) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 27, after sub-paragraph (a)(i) insert—

(**15**) S.I. 1996/207; relevant amending instruments are S.I. 1997/65, 1998/583, 1998/2117, 2000/239, 2000/1978, 2001/3767, 2003/762, 2003/2279, 2004/1748, 2005/2687, 2008/698, 2009/583, 2009/2655, 2010/641, 2010/2429, 2011/1740, 2014/513, 2015/643 and 2016/732.