Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) (Amendment) Regulations 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

2011 No. 1667 (W.191)

SOCIAL SERVICES, WALES

The Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) (Amendment) Regulations 2011

Made - - - -	*6 July 2011*
Laid before the National Assembly for Wales - -	*8 July 2011*
Coming into force - -	*2 August 2011*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 57(1), (1A), (3), (5B), (5C), (6), (7) and (7B) and 64(4A), (6) and (8) of the Health and Social Care Act 2001(**1**) and sections 17A(1), (3) and (4) and 104(4) and 104A of the Children Act 1989(**2**).

Title, commencement, interpretation and application

1.—(1) The title of these Regulations is the Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) (Amendment) Regulations 2011 and they come into force on 2 August 2011.

(2) In these Regulations "the principal Regulations" ("*y prif Reoliadau*") means the Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2011(**3**).

(3) These Regulations apply in relation to Wales.

(**1**) The Health and Social Care Act 2001 (c. 15) ("the 2001 Act"). Section 57 of the 2001 Act was amended by section 146 of the Health and Social Care Act 2008 (c. 14) ("the 2008 Act"). Sections 57(1A), (5B) and (5C) of the 2001 Act were inserted by section 146(2) and (6) of the 2008 Act and section 57(7B) was inserted by section 16 of the Social Care Charges (Wales) Measure 2010 (nawm 2). *See* section 57(8) of the 2001 Act for the definition of "prescribed" and section 66 for the definitions of "regulations" and "the relevant authority". The functions of the National Assembly for Wales under the 2001 Act were transferred to the Welsh Ministers in accordance with paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**2**) The Children Act 1989 (c. 41) ("the 1989 Act"). Section 17A of the 1989 Act was substituted by section 58 of the 2001 Act, and amended by paragraph 3 of Schedule 3 to the Children and Young Persons Act 2008 (c. 23) ("the CYPA"). Section 104 of the 1989 Act was amended by paragraph 25 of Schedule 3 to the CYPA and section 104A of the 1989 Act was inserted by paragraph 26 of Schedule 3 to the CYPA. *See* section 17A(6) of the 1989 Act for the definition of "prescribed" and section 30A (as inserted by paragraph 22 of Schedule 3 to the CYPA) for the definition of "appropriate national authority".

(**3**) S.I. 2011/831 (W.125).

Commencement Information
I1 Reg. 1 in force at 2.8.2011, see **reg. 1(1)**

Amendment of the explanatory note to the principal Regulations

2. In the explanatory note to regulation 7 of the principal Regulations, in the Welsh text, for "gweithredu ar ran person" substitute "bod yn ddirprwywr i berson".

Commencement Information
I2 Reg. 2 in force at 2.8.2011, see **reg. 1(1)**

Amendment of regulation 7 of the principal Regulations

3.—(1) Regulation 7 of the principal Regulations (prescribed powers for surrogates) is amended in accordance with the following paragraphs of this regulation.

(2) In the Welsh text—

(a) in the heading, for "lladmeryddion" substitute "dirprwywyr", and

(b) for "lladmerydd" substitute "dirprwywr".

(3) In the English text, for "*lladmerydd*" substitute "*dirprwywr*".

Commencement Information
I3 Reg. 3 in force at 2.8.2011, see **reg. 1(1)**

Amendment of regulation 9 of the principal Regulations

4.—(1) Regulation 9 of the principal Regulations (direct payments under section 57(1A) of the 2001 Act) is amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (2)(a)(iii), in the Welsh text, for "ladmerydd" substitute "ddirprwywr".

(3) In paragraph (4)(a), in the Welsh text, omit "neu adran 17A(1) o Ddeddf 1989".

Commencement Information
I4 Reg. 4 in force at 2.8.2011, see **reg. 1(1)**

Amendment of regulation 10 of the principal Regulations

5. In regulation 10 of the principal Regulations (amount and payment of direct payments under section 57(1) of the 2001 Act or section 17A(1) of the 1989 Act), in paragraph (2), in the Welsh text—

(a) for "P", in the first place it appears, substitute "y person rhagnodedig", and

(b) for "P", in the second place it appears, substitute "'r person rhagnodedig".

Commencement Information
I5 Reg. 5 in force at 2.8.2011, see **reg. 1(1)**

Amendment of regulation 11 of the principal Regulations

6. In regulation 11 of the principal Regulations (amount and payment of direct payments under section 57(1A) of the 2001 Act), in paragraph (6), in the Welsh text—

(a) insert "y" between "wneud" and "taliad", and

(b) for "uniongyrchol o dan adran 57(1A) o Ddeddf 2001 er mwyn i'r person rhagnodedig" substitute "y cyfeirir ato ym mharagraff (1) mewn cysylltiad â'r person sy'n".

Commencement Information
I6 Reg. 6 in force at 2.8.2011, see **reg. 1(1)**

Amendment of regulation 12 of the principal Regulations

7.—(1) Regulation 12 of the principal Regulations (conditions in respect of direct payments under section 57(1) of the 2001 Act or section 17A(1) of the 1989 Act) is amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (2)(c), in the Welsh text, insert "sy'n byw ar yr un aelwyd â'r person rhagnodedig ac" between "person" and "sy'n".

(3) In paragraph (5), in the Welsh text, insert "amodau" between "yr" and "y cyfeirir".

Commencement Information
I7 Reg. 7 in force at 2.8.2011, see **reg. 1(1)**

Amendment of regulation 13 of the principal Regulations

8. In regulation 13 of the principal Regulations (conditions in respect of direct payments under section 57(1A) of the 2001 Act), in paragraph (3)(c), in the Welsh text, insert "byw ar yr un aelwyd â P ac sy'n" between "person sy'n" and "dwyn".

Commencement Information
I8 Reg. 8 in force at 2.8.2011, see **reg. 1(1)**

Amendment of regulation 17 of the principal Regulations

9.—(1) Regulation 17 of the principal Regulations (review) is amended in accordance with the following paragraph of this regulation.

(2) In paragraph (2), in the Welsh text—

(a) for "nad yw" substitute "bod", and

(b) for "o", between "adran 57(5A)" and "Ddeddf honno", substitute "o'r".