STATUTORY INSTRUMENTS

2015 No. 914

SOCIAL SERVICES

The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015

Made - - - - 26th March 2015

Coming into force in accordance with article 1(2)

The Secretary of State, in exercise of the powers conferred by sections 123(1) and (2) and 125(7) and (8) of the Care Act 2014(**1**) and sections 135(3) and 136(1) and (2) of the Children and Families Act 2014(**2**), makes the following Order.

In accordance with section 123(5) of the Care Act 2014, the Secretary of State has consulted the Scottish Ministers and the Welsh Ministers before making this Order.

In accordance with section 125(4) of the Care Act 2014 and section 135(6) of the Children and Families Act 2014, a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015.

(2) This Order comes into force on the day on which section 1 of the Care Act 2014 comes into force.

(3) Where this Order amends an enactment that is not yet in force, paragraph (2) does not affect how that enactment, as amended, comes into force.

(4) An amendment or repeal made by this Order has the same extent as the enactment amended or repealed.

Amendments

2. The Schedule (amendments in consequence of provisions of the Care Act 2014 and the Children and Families Act 2014) has effect.

(**1**) 2014 c. 23.
(**2**) 2014 c. 6.

Savings and transitional provision

3.—(1) Despite the amendments made by this Order, on or after the date on which this Order comes 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 this Order comes into force.

(2) Paragraph (1) applies until—

(a) Part 1 of the Care Act 2014 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 provision made for transitional purposes under a power conferred by that Act, or

(b) if earlier, 31st March 2016.

(3) Despite the amendments made by this Order—

(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 paragraph (1)) on or after the date on which this Order comes into force, and

(b) anything done under such provision,

continue to have effect for the purposes of that support or those services or payments, subject to paragraph (6).

(4) The references in paragraph (3) to support or services provided, or payments made, before the date on which this Order comes 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 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(**3**));

(c) offences.

(6) Paragraph (3) does not authorise a local authority to do any of the following on or after the date on which this Order comes into force—

(a) create a charge under section 22(1) of the Health and Social Services and Social Security Adjudications Act 1983(**4**);

(b) make an order under section 23(1) of that Act;

(c) enter into a deferred payment agreement under section 55(1) of the Health and Social Care Act 2001(**5**).

(7) Where under this Order an enactment ceases to have effect for a purpose for which a local authority holds land immediately before the Order comes into force, the land is to be treated as appropriated for whatever purposes of Part 1 of the Care Act 2014 the authority may designate.

(8) Where under this Order an enactment ceases to have effect for a purpose for which a local authority has a right to use land immediately before the Order comes into force—

(**3**) 2012 c. 10.
(**4**) 1983 c. 41.
(**5**) 2001 c. 15.

(a) the authority continues to have that right to use the land for whatever purposes of Part 1 of the Care Act 2014 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 article is without prejudice to section 16 of the Interpretation Act 1978(**6**) (general savings).

(10) In this article "local authority" has the meaning given by section 1(4) of the Care Act 2014.

Signed by authority of the Secretary of State for Health.

George Freeman
Parliamentary Under-Secretary of State,
Department of Health

26th March 2015

(**6**) 1978 c. 30.

SCHEDULE Article 2

Amendments in consequence of provisions of the Care Act 2014 and the Children and Families Act 2014

National Assistance Act 1948 (c. 29)

1. The National Assistance Act 1948 is amended as follows.

2. In section 21 (duty of local authorities to provide accommodation) in subsection (4) after "another local authority" insert ", including a local authority in England,".

3. In section 24 (authority liable for provision of accommodation) in subsection (4) after "another local authority" insert ", including a local authority in England,".

4.—(1) Section 32(**7**) (adjustments between authorities) is amended as follows.

(2) In subsection (1), after "a reference to a local authority in" insert "England or".

(3) After subsection (5) insert—

"(6) Subsections (3) to (5) do not apply to a question which involves a dispute to which paragraph 5 of Schedule 1 to the Care Act 2014 applies (corresponding provision about cross-border placements)."

5.—(1) Section 33(1)(**8**) (local authorities for purposes of Part 3 of that Act) is amended as follows.

(2) After ""local authority"" insert "(except in "local authority in England")".

(3) Omit "England or".

(4) At the end insert "and "local authority in England" means a council which is a local authority for the purposes of the Local Authority Social Services Act 1970 in England."

6.—(1) Section 47 (removal to suitable premises of persons in need of care and attention) is amended as follows.

(2) In subsection (1), after "for persons" insert "in Wales".

(3) In subsection (12), omit "the councils of districts and London Boroughs and the Common Council of the City of London,".

(4) In subsection (12A)(a)(**9**), omit "England and".

7. In section 48(1) (duty of councils to provide temporary protection of property)—

(a) after "it appears to the council" insert ", in the case of any moveable property of that person that is for the time being situated in Wales,";

(b) for "any moveable property of his" substitute "the property".

8. In section 56(3)(**10**) (legal proceedings) after "1970" insert "in Wales".

9. In section 64 (interpretation), in subsection (1), in the definition of "local authority", for the words from "means", in the first place, to the end substitute "means the council of a county or county borough in Wales".

(**7**) Section 32(3) to (5) were substituted by the Health and Social Care Act 2008 (c. 14), section 148(2).
(**8**) Section 33(1) was amended by the Local Government Act 1972 (c. 70), Schedule 23, paragraph 2, the Local Government (Scotland) Act 1973 (c. 65), Schedule 27, paragraph 89, the Residential Homes Act 1980 (c. 7), section 11(5) and Schedule 2, and the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 31(2).
(**9**) Section 47(12A) was inserted by the Courts Act 2003 (c. 39), Schedule 8, paragraph 81.
(**10**) Section 56(3) was substituted by the Local Government Act 1972 (c. 70), Schedule 23, paragraph 2.

10. Section 66 of that Act (application to Isles of Scilly) ceases to have effect.

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

11. In section 3(2)(**11**) of the Disabled Persons (Employment) Act 1958 (provision of sheltered employment by local authorities) omit "paragraph 2 of Schedule 20 to the National Health Service Act 2006 or".

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

12. Part 2 of the Health Services and Public Health Act 1968 (amendments connected with local authorities' services under the National Assistance Act 1948) is amended as follows.

13. In section 45(11) (local authorities' promotion of welfare of old people: meaning of local authority) for the words from "the council of a county" to "City of London" substitute "the council of a county or county borough in Wales".

14. Section 46 (application to Isles of Scilly) ceases to have effect.

Civil Evidence Act 1968 (c. 64)

15. In section 12 of the Civil Evidence Act 1968 (findings of adultery and paternity as evidence in civil proceedings), in subsection (5)(**12**), in the definition of "relevant proceedings", omit paragraph (a).

Local Authority Social Services Act 1970 (c. 42)

16. The Local Authority Social Services Act 1970 is amended as follows.

17. In section 7 (local authorities to act under general guidance of Secretary of State) after subsection (1) insert—

> "(1A) Section 78 of the Care Act 2014 applies instead of this section in relation to functions given by Part 1 of that Act or by regulations under that Part."

18.—(1) Schedule 1(**13**) (social services functions) is amended as follows.

(2) In the entry for section 1 of the Chronically Sick and Disabled Persons Act 1970, after "welfare services" insert "; providing information about certain welfare services".

(3) After the entry for section 2 of that Act insert—

"Section 2A	Welfare services: transition for children to adult care and support in England."

(4) Omit the entry for the National Health Service Act 1977.

(5) After the entry for section 117 of the Mental Health Act 1983 insert—

"Section 117A	Functions under regulations about provision of preferred accommodation under section 117."

(**11**) Section 3(2) was amended by the National Health Service (Consequential Provisions) Act 2006 (c. 43), Schedule 1, paragraph 19.
(**12**) In section 12(5), the definition of "relevant proceedings" was substituted by the Courts and Legal Services Act 1990 (c. 41), Schedule 16, paragraph 2.
(**13**) Schedule 1 was amended by the Health and Social Care Act 2001 (c. 15), Schedule 5, paragraph 15.