STATUTORY INSTRUMENTS

2015 No. 643

SOCIAL CARE, ENGLAND

The Care Act 2014 (Consequential Amendments) (Secondary Legislation) Order 2015

Made - - - -	*10th March 2015*
Laid before Parliament	*11th March 2015*
Coming into force in accordance with article 1(2)	

The Secretary of State makes this Order in exercise of the powers conferred by sections 123(1) and (2) and 125(7) and (8) of the Care Act 2014(**1**).

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

Citation, commencement and extent

1.—(1) This Order may be cited as the Care Act 2014 (Consequential Amendments) (Secondary Legislation) Order 2015.

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

(3) An amendment or revocation made by this Order has the same extent as the enactment amended or revoked.

Amendments

2. The Schedule (amendments consequential on the Care Act 2014) has effect.

Revocations

3. The following are revoked—

(a) the Delayed Discharges (Mental Health Care) (England) Order 2003(**2**);

(b) the Delayed Discharges (England) Regulations 2003(**3**);

(**1**) 2014 c. 23. The powers to make regulations are exercisable by the Secretary of State. *See* section 125(1) of the Act.
(**2**) S.I. 2003/2276.
(**3**) S.I. 2003/2277.

(c) paragraphs 1 to 12, 14 to 18, 20, 21, 23, 25, 27 and 29 of the Schedule to the Contracting Out (Local Authorities Social Services Functions) (England) Order 2014(**4**).

Savings

4.—(1) Despite the amendments and revocations 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, to or in relation to a relevant person, and

(b) anything done under such a provision,

continues to have effect for the purposes of that support or those services or payments.

(2) In paragraph (1)—

(a) "relevant person" means 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;

(b) references to support or services provided include support or services that are not provided, but are or may be required or permitted to be provided before the date on which this Order comes into force;

(c) references to payments made include payments that are not made but are or may be required or permitted to be made before that date.

(3) This article is without prejudice to section 16 of the Interpretation Act 1978(**5**) (general savings).

Signed by authority of the Secretary of State for Health.

Norman Lamb
Minister of State
Department of Health

10th March 2015

(**4**) S.I. 2014/829.
(**5**) 1978 c. 30.

SCHEDULE

Article 2

Amendments consequential on the Care Act 2014

Public Trustee Rules 1912

1. In Rule 30(1)(i) of the Public Trustee Rules 1912 (corporate bodies as custodian trustees)(**6**) after "residential accommodation provided under section 21(1)(a) of the National Assistance Act 1948", insert ", or accommodation provided under Part 1 of the Care Act 2014 (care and support),".

Fire Services (Compensation) Regulations 1974

2. In the Schedule to the Fire Services (Compensation) Regulations 1974 (relevant employment)(**7**), after paragraph 8, insert—

"**8A.**—(1) A person who is an employee (within the meaning of section 79(3) of the Care Act 2014 (delegation of local authority functions)) of a voluntary organisation which meets the following condition.

(2) The condition is that the organisation is authorised under section 79(1)(a) of that Act for the purposes of meeting care and support, or support, needs other than by the provision, or arrangements for the provision, of accommodation.

(3) For the purposes of this paragraph "voluntary organisation" means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.".

Police (Compensation) Regulations 1974

3. In the Schedule to the Police (Compensation) Regulations 1974 (relevant employment)(**8**), after paragraph 8, insert—

"**8A.**—(1) A person who is an employee (within the meaning of section 79(3) of the Care Act 2014 (delegation of local authority functions)) of a voluntary organisation which meets the following condition.

(2) The condition is that the organisation is authorised under section 79(1)(a) of that Act for the purposes of meeting care and support, or support, needs other than by the provision, or arrangements for the provision, of accommodation.

(3) For the purposes of this paragraph "voluntary organisation" means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.".

Sale of Optical Appliances Order of Council 1984

4.—(1) In article 1(2) of the Sale of Optical Appliances Order of Council 1984(**9**), in the definition of "registered blind or partially sighted"—

(a) omit ", in relation to a person, that he is registered as a blind or partially sighted person";

(b) in paragraph (a), at the beginning, insert "registered as a blind or partially sighted person";

(c) in paragraph (b)—

(**6**) S.I. 1912/348, Rule 30 was substituted by S.I. 1975/1189 and paragraph (i) inserted by S.I. 1976/836.
(**7**) S.I. 1974/540.
(**8**) S.I. 1974/759.
(**9**) S.I. 1984/1778. The definition of "registered blind or partially sighted" was amended by S.I. 2005/848.

(i) at the beginning, insert "registered as a blind or partially sighted person";

(ii) omit the "or" at the end;

(d) in paragraph (c)—

(i) at the beginning, insert "registered as a blind or partially sighted person";

(ii) at the end, insert "or";

(e) after paragraph (c) insert—

"(d) registered as sight-impaired or severely sight-impaired in a register kept under section 77(1) of the Care Act 2014 (registers of sight-impaired adults).".

Income Support (General) Regulations 1987

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

(2) In regulation 16(8)(za) (circumstances in which a person is to be treated as being or not being a member of the household)—

(a) in paragraph (ii), omit "or" at the end;

(b) at the end of paragraph (iii), insert—

"or

(iv) under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support),".

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

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

"(dza) the person concerned where the payment is for the provision of accommodation in respect of the meeting of that person's needs under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support);";

(b) in paragraph 30(1)(e), at the end, insert "or Part 1 of the Care Act 2014 (care and support).";

(c) in paragraph 30A(2)—

(i) the text after "is provided by" becomes paragraph (a);

(ii) at the end of that paragraph, insert—

"or

(b) a person other than a local authority under arrangements made with the person by a local authority in the exercise of the local authority's functions under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support).";

(d) in paragraph 58, after "health care)", insert "or under sections 31 to 33 of the Care Act 2014 (direct payments),";

(e) in paragraph 66, after "Social Work (Scotland) Act 1968 refers,", insert "or the provision of care and support under Part 1 of the Care Act 2014 (care and support),".

(4) In Schedule 10 (capital to be disregarded), in paragraph 67, after "Any payment made under", insert "sections 31 to 33 of the Care Act 2014 (direct payments) or under".

(**10**) S.I. 1987/1967. Regulation 16(8)(za) was inserted by S.I. 2005/2687. Paragraph 27 of Schedule 9 was substituted by S.I. 1998/563 and sub-paragraph (da) inserted by S.I. 2013/235. Paragraph 30(1)(e) of Schedule 9 was amended by S.I. 2001/3767. Paragraph 30A of Schedule 9 was inserted by S.I. 1993/2119 and sub-paragraph (2) was amended by S.I. 2001/3767 and 2005/2687. Paragraph 58 of Schedule 9 was inserted by S.I. 1997/65 and amended by S.I. 2003/762, 2009/583, 2010/641 and 2014/513. Paragraph 66 of Schedule 9 was inserted by S.I. 1998/2117 and amended by S.I. 2000/681, 2005/2078 and 2005/2687. Paragraph 67 of Schedule 10 was inserted by S.I. 2003/2279 and amended by S.I. 2009/583, 2010/641 and 2014/513.

Social Security (Attendance Allowance) Regulations 1991

6. In regulation 7(2)(a) of the Social Security (Attendance Allowance) Regulations 1991(**11**) (persons in care homes)—

(a) in paragraph (vi), omit "or";

(b) after paragraph (vi), insert—

"(vii) Part 1 of the Care Act 2014 (care and support), or".

Social Security (Disability Living Allowance) Regulations 1991

7. In regulation 9(2)(a) of the Social Security (Disability Living Allowance) Regulations 1991(**12**) (persons in care homes)—

(a) in paragraph (vi), omit "or";

(b) after paragraph (vi), insert—

"(vii) Part 1 of the Care Act 2014 (care and support), or".

Council Tax (Liability for Owners) Regulations 1992

8. In regulation 2 of the Council Tax (Liability for Owners) Regulations 1992 (chargeable dwellings)(**13**), in the provision relating to Class A chargeable dwellings, after "section 21 of the National Assistance Act 1948", insert "or accommodation is provided under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support)".

Jobseeker's Allowance Regulations 1996

9.—(1) The Jobseeker's Allowance Regulations 1996(**14**) are amended as follows.

(2) In regulation 78(9) (circumstances in which a person is to be treated as being or not being a member of the household), after sub-paragraph (za)(i) insert—

"(ia) under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support); or".

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

(a) after paragraph 28(d), insert—

"(dza) the person concerned where the payment is for the provision of accommodation in respect of the meeting of that person's needs under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support);";

(b) at the end of paragraph 31(1)(e), insert "or Part 1 of the Care Act 2014 (care and support)";

(c) in paragraph 32(2)—

(i) the text after "is provided by" becomes paragraph (a);

(ii) at the end of that paragraph, insert—

"or

(**11**) S.I. 1991/2740. Regulation 7 was substituted by S.I. 2007/287 and paragraph (2)(a)(vi) inserted by S.I. 2013/2270.
(**12**) S.I. 1991/2890. Regulation 9 was substituted by S.I. 2007/287 and paragraph (2)(a)(vi) inserted by S.I. 2013/2270.
(**13**) S.I. 1992/551; the provisions relating to Class A dwellings were substituted by S.I. 2003/3125.
(**14**) S.I. 1996/207. Regulation 78(9)(za) was inserted by S.I. 2005/2687. Paragraph 28 of Schedule 7 was substituted by S.I. 1998/563 and sub-paragraph (da) inserted by S.I. 2013/235. Paragraph 31(1)(e) of Schedule 7 was amended by S.I. 2001/3767. Paragraph 32(2) of Schedule 7 was amended by S.I. 2001/3767 and 2005/2687. Paragraph 56 of Schedule 7 was inserted by S.I. 1997/65 and amended by S.I. 2003/762, 2009/583, 2010/641 and 2014/513. Paragraph 64 of Schedule 7 was inserted by S.I. 1998/2117 and amended by S.I. 2005/2687 and 2009/2655. Paragraph 68 of Schedule 8 was inserted by S.I. 2003/2279 and amended by S.I. 2009/583, 2010/641 and 2014/513.