Draft Order laid before Parliament under section 95(5) of the Government of Wales Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No.

CONSTITUTIONAL LAW
DEVOLUTION, WALES

The National Assembly for Wales (Legislative Competence) (Social Welfare) Order 2009

Made - - - - 2009

Coming into force in accordance with Article 1(2)

At the Court at Buckingham Palace, the day of 2009

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 95(5) of the Government of Wales Act 2006(**1**), a draft of this order has been laid before, and approved by resolution of, the National Assembly for Wales and each House of Parliament.

Accordingly, Her Majesty, in pursuance of section 95(1) of the Government of Wales Act 2006, is pleased, by and with the advice of Her Privy Council, to order as follows:-

Citation, commencement and interpretation

1.—(1) This Order may be cited as the National Assembly for Wales (Legislative Competence) (Social Welfare) Order 2009.

(2) This Order shall come into force on the day after the day on which it is made.

(3) In this Order "the 2006 Act" means the Government of Wales Act 2006.

(**1**) 2006 c.32.

Amendments relating to the field of social welfare

2.—(1) Field 15 (social welfare) of Part 1 of Schedule 5 to the 2006 Act(**2**) is amended in accordance with this article.

(2) In matter 15.1, for "persons looking after them" substitute "any other person".

(3) After matter 15.8 insert—

"Matter 15.9

Supporting the provision of care by carers and promoting the well-being of carers.

This matter includes (but is not limited to) social care services to help carers.

In this matter "carers" means individuals who provide or intend to provide a substantial amount of care on a regular basis for—

(a) a child with a physical or mental impairment, or

(b) an individual aged 18 or over,

but it does not include individuals who provide or intend to provide care—

(a) by virtue of a contract of employment or other contract with any person, or

(b) as a volunteer for a body (whether or not incorporated)".

(4) Under the heading "*Interpretation of this field*", in the definition of "social care services", after "non-residential care services;" insert "information,".

Amendments relating to exceptions to matters in the field of social welfare

3.—(1) In Part 1 of Schedule 5 to the 2006 Act, the table under the heading "TABLE – Social welfare"(**3**) is amended in accordance with this article.

(2) In the row containing exception 1 (child support), in column 2, after "15.8" insert ",15.9".

(3) In the row containing exception 2 (child trust funds), in column 2, after "15.5" insert ",15.9".

(4) In the row containing exception 3 (tax credits), in column 2, after "15.5" insert ",15.9".

(5) In the row containing exception 4 (child benefit and guardian's allowance), in column 2, after "15.5" insert ",15.9".

(6) In the row containing exception 5 (social security), in column 2, after "15.8" insert ",15.9".

(7) In the row containing exception 6 (independent living funds), in column 2, after "15.8" insert ",15.9".

(8) In the row containing exception 7 (motability), in column 2, after "15.8" insert ",15.9".

(9) In the row containing exception 8 (vaccine damage payments), in column 2, after "15.8" insert ",15.9".

(10) In the row containing exception 10 (Children's Commissioner established under the Children Act 2004), in column 2, after "15.8" insert ",15.9".

(11) In the row containing exception 11 (family law and proceedings), in column 2, after "15.5" insert ",15.9".

(12) In the row containing exception 12 (welfare foods), in column 2, after "15.8" insert ",15.9".

(**2**) Matter 15.1 was inserted into field 15 by the National Assembly for Wales (Legislative Competence)(Social Welfare) Order 2008 (SI 2008/1785). Matters 15.2 to 15.8 were inserted into field 15 by article 3(b) of the National Assembly for Wales (Legislative Competence)(Social Welfare and other Fields) Order 2008 (SI 2008/3132)

(**3**) This table was inserted by article 5 of the National Assembly for Wales (Legislative Competence) (Social Welfare and Other Fields) Order 2008 (SI 2008/3132).