

*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: Care Act 2014, Cross Heading: Provision of NHS accommodation not to affect deemed ordinary residence etc. is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

#### CROSS-BORDER PLACEMENTS

*Provision of NHS accommodation not to affect deemed ordinary residence etc.*

- 8 (1) In a case where, as a result of this Schedule, an adult is treated as ordinarily resident in an area in England, Wales or Northern Ireland (as the case may be), the adult does not cease to be so treated merely because the adult is provided with NHS accommodation.
- (2) In a case where, as a result of this Schedule, an adult is not treated as ordinarily resident anywhere in England or Wales (as the case may be), the adult continues not to be so treated even if the adult is provided with NHS accommodation.
- (3) In a case where, as a result of this Schedule, no duty under a relevant enactment applies, the duty does not apply merely because the adult in question is provided with NHS accommodation; and for this purpose “relevant enactment” means—
- (a) Part 2 of the Social Work (Scotland) Act 1968,
  - (b) sections 25 to 27 of the Mental Health (Care and Treatment) (Scotland) Act 2003,
  - (c) the Health and Personal Social Services (Northern Ireland) Order 1972, or
  - (d) the Health and Social Care (Reform) Act (Northern Ireland) 2009.
- (4) In a case where, as a result of paragraph 2(2), (4) or (7), an adult is treated as remaining within, or as remaining outside but ordinarily resident in, an area in Wales, the adult does not cease to be so treated merely because the adult is provided with NHS accommodation.

#### **Modifications etc. (not altering text)**

- C1** Sch. 1 para. 8 applied by 2005 c. 9, Sch. A1 para. 183(2A) (as inserted (1.4.2015) by [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\)](#), art. 1(2), [Sch. para. 80](#) (with arts. 1(3), 3); S.I. 2015/993, art. 2(a))

#### **Commencement Information**

- II** Sch. 1 para. 8 in force at 1.4.2015 by [S.I. 2015/993](#), [art. 2\(x\)\(i\)](#) (with transitional provisions in S.I. 2015/995)

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