
STATUTORY INSTRUMENTS

2017 No. 901

**The Social Services and Well-being (Wales) Act 2014
and the Regulation and Inspection of Social Care (Wales)
Act 2016 (Consequential Amendments) Order 2017**

PART 2

Amendments in consequence of the Social Services and Well-being (Wales) Act 2014

Amendment of the Employment and Support Allowance Regulations 2008

13.—(1) The Employment and Support Allowance Regulations 2008⁽¹⁾ are amended as follows.

(2) In regulation 132 (calculation of grant income), in paragraph (2)(j) after “1989” insert “or under Part 6 of the Social Services and Well-being (Wales) Act 2014”.

(3) In regulation 156 (circumstances in which a person is to be treated as being or not being a member of the household)—

(a) in paragraph (5), after sub-paragraph (a) insert—

“(aa) placed with the claimant or the claimant’s partner by a local authority under section 81(2) of the Social Services and Well-being (Wales) Act 2014;”;

(b) in paragraph (9), in the definition of “accommodation”—

(i) at the end of sub-paragraph (b) omit “or”;

(ii) after sub-paragraph (b) insert—

“(ba) in Wales, under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014; or”.

(4) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 28, after sub-paragraph (a)(i) insert—

“(ia) section 81(2) of the Social Services and Well-being (Wales) Act 2014 (ways in which looked after children are to be accommodated and maintained);”;

(b) in paragraph 29, in sub-paragraph (g), at the end insert “or under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (duty and powers to meet care and support needs of an adult)”;

(c) in paragraph 30, in sub-paragraph (1)—

(i) at the end of paragraph (b) omit “or”;

(ii) in paragraph (c) for “young persons.” substitute—

“young persons); or

(d) the following sections of the Social Services and Well-being (Wales) Act 2014—

(1) [S.I. 2008/794](#); relevant amending instruments are [S.I. 2009/583](#), [2010/641](#), [2010/2429](#), [2014/513](#), [2015/643](#) and [2016/732](#).

- (aa) section 37 or 38, but excluding any direct payment made in accordance with regulations made under section 51 of that Act, or
 - (bb) section 109, 110, 114 or 115.”;
 - (d) in paragraph 32, in sub-paragraph (1)(e), at the end insert “or Part 4 of the Social Services and Well-being (Wales) Act 2014 (meeting needs) other than any direct payment made in accordance with regulations made under section 50 or 52 of that Act”;
 - (e) in paragraph 34, in sub-paragraph (2)(b), at the end insert “or under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (duty and power to meet care and support needs of an adult)”;
 - (f) in paragraph 53, at the end insert “, or in accordance with regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments)”;
 - (g) in paragraph 56, after “2014 (care and support)” insert “, or the provision of care and support in respect of an adult under Part 4 of the Social Services and Well-being (Wales) Act 2014”.
- (5) In Schedule 9 (capital to be disregarded)—
- (a) in paragraph 22, in sub-paragraph (1)—
 - (i) at the end of paragraph (b) omit “or”;
 - (ii) in paragraph (c) for “young persons.” substitute—
 - “young persons); or
 - (d) the following sections of the Social Services and Well-being (Wales) Act 2014—
 - (aa) section 37 or 38, but excluding any direct payment made in accordance with regulations made under section 51 of that Act, or
 - (bb) section 109, 110, 114 or 115.”;
 - (b) in paragraph 42, after “1958” insert “or under Part 4 of the Social Services and Well-being (Wales) Act 2014”;
 - (c) in paragraph 56, at the end insert “, or in accordance with regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments)”.