
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 Income Support (General) Regulations 1987

2.—(1) The Income Support (General) Regulations 1987(1) are amended as follows.

(2) In regulation 13 (circumstances in which persons in relevant education are to be entitled to income support), in paragraph (2)(dd), after “hearings etc)” insert “or Part 4 (meeting needs) or Part 6 (looked after and accommodated children) of the Social Services and Well-being (Wales) Act 2014(2)”.

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

(a) in paragraph (4), after sub-paragraph (a) insert—

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

(b) in paragraph (8)—

(i) in sub-paragraph (za)—

(aa) at the end of paragraph (iii) omit “or”;

(bb) at the end of paragraph (iv) insert—

“ or

(v) 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),”;

(ii) in sub-paragraph (a), for “and the Children Act 1989” substitute “, the Children Act 1989 and the Social Services and Well-being (Wales) Act 2014”.

(4) In regulation 62 (calculation of grant income), in paragraph (2)(k), after “1989” insert “or Part 6 of the Social Services and Well-being (Wales) Act 2014”.

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

(a) in paragraph 26, after sub-paragraph (a)(i) insert—

(1) S.I. 1987/1967; relevant amending instruments are S.I. 1989/563, 1992/468, 1993/2119, 1995/1613, 1997/65, 1998/563, 1998/2117, 2000/681, 2001/3767, 2003/762, 2003/2279, 2004/1748, 2005/2078, 2005/2687, 2008/698, 2009/583, 2010/641, 2010/2429, 2011/1740, 2013/1465, 2014/513, 2015/643 and 2016/732.

(2) 2014 anaw 4.

Status: Point in time view as at 03/11/2017.

Changes to legislation: There are currently no known outstanding effects for the 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. (See end of Document for details)

- “(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 27, after sub-paragraph (dza) insert—
- “(dzb) the person concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support 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);”;
- (c) in paragraph 28, in sub-paragraph (1)—
- (i) at the end of paragraph (b) omit “or”;
- (ii) in paragraph (c) for “1995.” substitute—
- “1995, 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.”;
- (d) in paragraph 30, 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 30A, 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 58, 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 66, 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 (meeting needs)”.
- (6) In Schedule 10 (capital to be disregarded)—
- (a) in paragraph 17, in sub-paragraph (1)—
- (i) at the end of paragraph (b) omit “or”;
- (ii) in paragraph (c) for “1995.” substitute—
- “1995, 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 43, after “1958” insert “or under Part 4 of the Social Services and Well-being (Wales) Act 2014”;
- (c) in paragraph 67, 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)”.

Commencement Information

I1 Art. 2 in force at 3.11.2017, see [art. 1](#)

Amendment of the Social Security (Attendance Allowance) Regulations 1991

3. In regulation 7 of the Social Security (Attendance Allowance) Regulations 1991 (persons in care homes)(3), in paragraph (2)(a)—

- (a) at the end of paragraph (vii) omit “or”;
- (b) after paragraph (vii) insert—
“(viii) Part 4 of the Social Services and Well-being (Wales) Act 2014 (meeting needs), or”.

Commencement Information

I2 Art. 3 in force at 3.11.2017, see [art. 1](#)

Amendment of the Social Security (Disability Living Allowance) Regulations 1991

4. In regulation 9 of the Social Security (Disability Living Allowance) Regulations 1991 (persons in care homes)(4)—

- (a) at the end of paragraph (2)(a)(vii), omit “or”;
- (b) after paragraph (2)(a)(vii), insert—
“(viii) Part 4 of the Social Services and Well-being (Wales) Act 2014 (meeting needs), or”;
- (c) in the opening words of paragraph (4), omit “who”;
- (d) at the beginning of paragraphs (4)(a) and (b), insert “who”;
- (e) after paragraph (4)(b), insert—
“(ba) to whom section 37, 38 or 42 of the Social Services and Well-being (Wales) Act 2014 applies; or”;
- (f) in paragraph (5), for “(a) and (b)” substitute “(a), (b) and (ba)”.

Commencement Information

I3 Art. 4 in force at 3.11.2017, see [art. 1](#)

Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992

5.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations 1992(5) are amended as follows.

(3) S.I.1991/2740; relevant amending instruments are S.I. 2007/2875, 2013/389, 2013/2270 and 2015/643.

(4) S.I. 1991/2890; relevant amending instruments are S.I. 2007/2875, 2013/389, 2013/2270 and 2015/643.

(5) S.I. 1992/1815; relevant amending instruments are S.I. 1993/913, 1996/3196, 2001/155, 2004/1748, 2012/2785, 2014/513, 2014/1386 and 2014/1621. These regulations are revoked in relation to particular cases.

Status: Point in time view as at 03/11/2017.

Changes to legislation: There are currently no known outstanding effects for the 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. (See end of Document for details)

- (2) In regulation 27A (child in care who is allowed to live with their parent), in paragraph (1) after “1989” insert “or under section 81(2) of the Social Services and Well-being (Wales) Act 2014”.
- (3) In Schedule 2 (amounts to be disregarded when calculating or estimating N and M)—
- (a) after paragraph 31, insert—
- “**31A.** In Wales, any payment made by a local authority under—
- (a) section 37 or 38 of the Social Services and Well-being (Wales) Act 2014 but excluding any direct payment made in accordance with regulations made under section 51 of that Act; or
- (b) section 104 of that Act as it applies to category 5 or category 6 young persons within the meaning of section 104(2) of that Act.”;
- (b) in paragraph 48C—
- (i) the existing provision is to stand as sub-paragraph (1);
- (ii) after sub-paragraph (1) insert—
- “(2) In relation to Wales, any payment to a person as a direct payment made in accordance with regulations made under sections 50 to 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments) in respect of his securing services under Part 4 of the Social Services and Well-being (Wales) Act 2014.”.

Commencement Information

I4 [Art. 5](#) in force at 3.11.2017, see [art. 1](#)

Amendment of the Jobseeker’s Allowance Regulations 1996

- 6.—**(1) The Jobseeker’s Allowance Regulations 1996(6) are amended as follows.
- (2) In regulation 60 (young persons at the end of the child benefit extension period), in paragraph (1), for sub-paragraph (a) substitute—
- “(a) a person who has ceased to live in accommodation provided for him by a local authority under—
- (i) Part 3 of the Children Act 1989 (local authority support children and families), or
- (ii) Part 4 (meeting needs) or 6 (looked after and accommodated children) of the Social Services and Well-being (Wales) Act 2014, and
- is of necessity living away from his parents and any person acting in place of his parents;”.
- (3) In regulation 78 (circumstances in which a person is to be treated as being or not being a member of the household)—
- (a) in paragraph (4), after sub-paragraph (a) insert—
- “(aa) placed with the claimant or his partner by a local authority under section 81(2) of the Social Services and Well-being (Wales) Act 2014; or”;
- (b) in paragraph (9)—
- (i) in sub-paragraph (za), at the end of paragraph (iii) insert—
- “ or

(6) S.I. 1996/207; relevant amending instruments are S.I. 1997/65, 1998/583, 1998/2117, 2000/239, 2000/1978, 2001/3767, 2003/762, 2003/2279, 2004/1748, 2005/2687, 2008/698, 2009/583, 2009/2655, 2010/641, 2010/2429, 2011/1740, 2014/513, 2015/643 and 2016/732.

- (iv) in Wales, 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);”;
 - (ii) in sub-paragraph (a) for “and the Children Act 1989” substitute “, the Children Act 1989 and the Social Services and Well-being (Wales) Act 2014”.
- (4) In regulation 131 (calculation of grant income), in paragraph (2)(j), after “1989” insert “or Part 6 of the Social Services and Well-being (Wales) Act 2014”.
- (5) In regulation 140 (meaning of “person in hardship”), in paragraph (1)(k)—
- (a) in paragraph (i), after “1989” insert “or the Social Services and Well-being (Wales) Act 2014”;
 - (b) in paragraphs (ii) and (iii), for “that Act” substitute “either of those Acts”.
- (6) In regulation 146A (meaning of “couple in hardship”), in paragraph (1)(h)—
- (a) in paragraph (i), after “1989” insert “or the Social Services and Well-being (Wales) Act 2014”;
 - (b) in paragraphs (ii) and (iii), for “that Act” substitute “either of those Acts”.
- (7) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 27, 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 28, after sub-paragraph (dza) insert—
 - “(dzb) the person concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support 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);”;
 - (c) in paragraph 29, in sub-paragraph (1)—
 - (i) at the end of paragraph (b) omit “or”;
 - (ii) in paragraph (c) for “1995.” substitute—
 - “1995, 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.”;
 - (d) in paragraph 31, 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 32, 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 powers to meet care and support needs of an adult)”;
 - (f) 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)”;
 - (g) in paragraph 64, after “2014,” insert “or the provision of care and support under Part 4 of the Social Services and Well-being (Wales) Act 2014.”.

Status: Point in time view as at 03/11/2017.

Changes to legislation: There are currently no known outstanding effects for the 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. (See end of Document for details)

- (8) In Schedule 8 (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 “1995.” substitute—
- “1995, 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 41, after “1958” insert “or under Part 4 of the Social Services and Well-being (Wales) Act 2014”;
- (c) in paragraph 60, 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)”.

Commencement Information

I5 [Art. 6](#) in force at 3.11.2017, see [art. 1](#)

Amendment of the Child Support (Maintenance Calculations and Special Cases) Regulations 2001

7.—(1) The Child Support (Maintenance Calculations and Special Cases) Regulations 2001(7) are amended as follows.

(2) In regulation 9 (care provided in part by a local authority), in paragraph (11) at the end insert “or section 74 of the Social Services and Well-being (Wales) Act 2014”.

(3) In regulation 13 (child in care who is allowed to live with their parent), in paragraph (1), after “1989” insert “or section 81(2) of the Social Services and Well-being (Wales) Act 2014”.

Commencement Information

I6 [Art. 7](#) in force at 3.11.2017, see [art. 1](#)

Amendment of the Social Security (Loss of Benefit) Regulations 2001

8.—(1) The Social Security (Loss of Benefit) Regulations 2001(8) are amended as follows.

(2) In regulation 5 (meaning of “person in hardship”), in paragraph (1)(k)—

(a) in paragraph (i) after “1989” insert “or the Social Services and Well-being (Wales) Act 2014”;

(b) in paragraphs (ii) and (iii) for “that Act” substitute “either of those Acts”.

(7) [S.I. 2001/155](#); relevant amending instruments are [S.I. 2012/2785](#), [2014/1386](#) and [2014/1621](#). These regulations are revoked in relation to particular cases.

(8) [S.I. 2001/4022](#), to which there are amendments not relevant to this Order.

- (3) In regulation 11 (application of Part and meaning of “couple in hardship”), in paragraph (2)(h)—
- (a) in paragraph (i) after “1989” insert “or the Social Services and Well-being (Wales) Act 2014”;
 - (b) in paragraphs (ii) and (iii) for “that Act” substitute “either of those Acts”.

Commencement Information

I7 Art. 8 in force at 3.11.2017, see [art. 1](#)

Amendment of the State Pension Credit Regulations 2002

- 9.**—(1) The State Pension Credit Regulations 2002(**9**) are amended as follows.
- (2) In regulation 17B (earnings of self-employed earners), in paragraph (4)(b), in the text of the inserted paragraph (2)—
- (a) after sub-paragraph (b)(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) at the end of sub-paragraph (d)(vi) omit “or”;
 - (c) after sub-paragraph (d)(vii) insert—
 - “ or
 - (viii) the person concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support 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);”.
- (3) In Part 1 of Schedule 5 (income from capital: capital disregarded for the purpose of calculating income), in paragraph 23C—
- (a) at the end of sub-paragraph (c) omit “or”;
 - (b) in sub-paragraph (d) for “(direct payments).” substitute—
 - “(direct payments); or
 - (e) by virtue of regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments).”.

Commencement Information

I8 Art. 9 in force at 3.11.2017, see [art. 1](#)

Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005

- 10.** In regulation 4A of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 (persons to be treated as responsible for children)(**10**), in paragraph (4)(a), after “1995,” insert “or section 74 of the Social Services and Well-being (Wales) Act 2014,”.

(9) S.I. 2002/1792; relevant amending instruments are S.I. 2002/3019, 2008/3157, 2010/2429, 2011/2425, 2013/235, 2014/513, 2015/643 and 2016/732.

(10) S.I. 2005/3061, amended by S.I. 2011/100; there are other amending instruments but none is relevant.

Status: Point in time view as at 03/11/2017.

Changes to legislation: There are currently no known outstanding effects for the 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. (See end of Document for details)

Commencement Information

19 [Art. 10](#) in force at 3.11.2017, see [art. 1](#)

Amendment of the Housing Benefit Regulations 2006

11.—(1) The Housing Benefit Regulations 2006(**11**) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), in the definition of “young individual”, in sub-paragraph (c), after “1989” insert “or section 76 of the Social Services and Well-being (Wales) Act 2014”.

(3) In regulation 21 (circumstances in which a person is to be treated as being or not being a member of the household), in paragraph (3)(a) after “Children Act 1989” insert “or section 81(2) of the Social Services and Well-being (Wales) Act 2014”.

(4) In regulation 52 (calculation of tariff income from capital), in paragraph (8)(a) after “establishments)” 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)”.

(5) In regulation 56 (full-time students to be treated as not liable to make payments in respect of a dwelling), in paragraph (2)(g)—

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

(b) after paragraph (i) insert—

“(ia) in Wales, placed by a local authority under section 81(2) of the Social Services and Well-being (Wales) Act 2014; or”.

(6) In regulation 59 (calculation of grant income), in paragraph (2)(i), after “1989” insert “or Part 6 of the Social Services and Well-being (Wales) Act 2014”.

(7) In Schedule 5 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 26, 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 27, after sub-paragraph (dza) insert—

“(dzb) the person concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support 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);”;

(c) in paragraph 28, at the end insert “or section 37 or 38 of the Social Services and Well-being (Wales) Act 2014, but excluding any direct payment made in accordance with regulations made under section 51 of that Act, or section 109, 110, 114 or 115 of that Act”;

(d) in paragraph 28A, in sub-paragraph (1), after “young persons)” insert “or section 110 of the Social Services and Well-being (Wales) Act 2014 (support for category 3 young people)”;

(e) in paragraph 57, 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)”.

(8) In Schedule 6 (capital to be disregarded)—

(11) S.I. 2006/213; relevant amending instruments are S.I. 2007/2868, 2008/698, 2008/2767, 2009/583, 2010/641, 2010/2429, 2010/2449, 2010/2835, 2011/1736, 2011/1740, 2013/1465, 2014/513, 2015/643 and 2016/732.

- (a) in paragraph 19, at the end insert “or section 37 or 38 of the Social Services and Well-being (Wales) Act 2014, but excluding any direct payment made in accordance with regulations made under section 51 of that Act, or section 109, 110, 114 or 115 of that Act”;
- (b) in paragraph 19A, in sub-paragraph (1), after “young persons)” insert “or section 110 of the Social Services and Well-being (Wales) Act 2014 (support for category 3 young people)”;
- (c) in paragraph 44, after “1958” insert “or under Part 4 of the Social Services and Well-being (Wales) Act 2014”;
- (d) in paragraph 58, 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)”.

Commencement Information

110 [Art. 11](#) in force at 3.11.2017, see [art. 1](#)

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

12.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**12**) are amended as follows.

(2) In regulation 13D (determination of a maximum rent (LHA)), in paragraph (12), in sub-paragraph (b) of the definition of “care leaver”, after “1989” insert “or section 76 of the Social Services and Well-being (Wales) Act 2014”.

(3) In regulation 21 (circumstances in which a person is to be treated as being or not being a member of the household), in paragraph (3)(a) after “Children Act 1989” insert “or section 81(2) of the Social Services and Well-being (Wales) Act 2014”.

(4) In regulation 38 (earnings of self-employed earners), in paragraph (2)—

(a) in sub-paragraph (b)(i), after “or, as the case may be,” insert “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 sub-paragraph (d)—

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

(ii) after sub-paragraph (vii) insert—

“ or

(viii) the person concerned where the payment is for the provision of accommodation to meet that person’s needs for care and support 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);”.

(5) In Schedule 6 (capital to be disregarded), in paragraph 26D—

(a) at the end of sub-paragraph (c) omit “or”;

(b) after sub-paragraph (d) insert—

“ or

(e) by virtue of regulations made under section 50 or 52 of the Social Services and Well-being (Wales) Act 2014 (direct payments).”.

(12) [S.I. 2006/214](#); relevant amending instruments are [S.I. 2008/3157](#), [2010/2449](#), [2011/2425](#), [2011/1740](#), [2013/1465](#), [2015/643](#) and [2016/732](#).

Status: Point in time view as at 03/11/2017.

Changes to legislation: There are currently no known outstanding effects for the 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. (See end of Document for details)

Commencement Information

III Art. 12 in force at 3.11.2017, see [art. 1](#)

Amendment of the Employment and Support Allowance Regulations 2008

13.—(1) The Employment and Support Allowance Regulations 2008(**13**) 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—

(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)”.

Commencement Information

I12 [Art. 13](#) in force at 3.11.2017, see [art. 1](#)

Amendment of the Child Support Maintenance Calculation Regulations 2012

14.—(1) The Child Support Maintenance Calculation Regulations 2012(**14**) are amended as follows.

(2) In regulation 51 (child in care who is allowed to live with their parent), in paragraph (1), after “1989” insert “or section 81(2) of the Social Services and Well-being (Wales) Act 2014”.

(3) In regulation 53 (care provided in part by a local authority), in paragraph (12), at the end insert “or section 74 of the Social Services and Well-being (Wales) Act 2014”.

(4) In regulation 64 (illness or disability of relevant other child), in paragraph (2)(f)—

- (a) omit paragraph (i);
- (b) at the end of paragraph (ia) omit “or”;
- (c) after paragraph (ii) insert—

“ or

(iii) registered as severely sight impaired in a register kept by a local authority in Wales under section 18(1)(a) of the Social Services and Well-being (Wales) Act 2014;”.

(5) In regulation 78 (persons who are not persons with care)—

Status: Point in time view as at 03/11/2017.

Changes to legislation: There are currently no known outstanding effects for the 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. (See end of Document for details)

- (a) in paragraph (1), in sub-paragraph (c) for “1995.” substitute—
“1995;
- (d) in Wales, a person with whom a child who is looked after by a local authority is placed by that authority under the provisions of Part 6 of the Social Services and Well-being (Wales) Act 2014, except where that person is a parent of such a child and the local authority allow the child to live with that parent under section 81(2) of that Act.”;
- (b) in paragraph (2), in the definition of “a child who is looked after by a local authority” after “1995” insert “or section 74 of the Social Services and Well-being (Wales) Act 2014”.

Commencement Information

I13 [Art. 14](#) in force at 3.11.2017, see [art. 1](#)

Amendment of the Universal Credit Regulations 2013

15. In Schedule 10 to the Universal Credit Regulations 2013 (capital to be disregarded)(**15**), in paragraph 17(1)(a), for “or section 29 or 30 of the Children (Scotland) Act 1995” substitute “, section 29 or 30 of the Children (Scotland) Act 1995 or section 37, 38, 109, 110, 114 or 115 of the Social Services and Well-being (Wales) Act 2014”.

Commencement Information

I14 [Art. 15](#) in force at 3.11.2017, see [art. 1](#)

Amendment of the Social Security (Personal Independence Payment) Regulations 2013

16. In regulation 28 of the Social Security (Personal Independence Payment) Regulations 2013 (care home residents)(**16**)—

- (a) at the end of paragraph (2)(eea) omit “or”;
- (b) after paragraph (2)(eea) insert—
“(eeb) Part 4 of the Social Services and Well-being (Wales) Act 2014 (meeting needs), or”;
- (c) at the end of paragraph (3)(a) omit “or”;
- (d) after paragraph (3)(a) insert—
“(aa) to whom section 37, 38 or 42 of the Social Services and Well-being (Wales) Act 2014 applies; or”;
- (e) in paragraph (4) for “Paragraph (3)(a) only applies” substitute “Paragraphs (3)(a) and (aa) only apply”.

Commencement Information

I15 [Art. 16](#) in force at 3.11.2017, see [art. 1](#)

(15) [S.I. 2013/376](#), to which there are amendments not relevant to this Order.

(16) [S.I. 2013/377](#); relevant amending instruments are [S.I. 2013/2270](#) and [2015/643](#).

Amendment of the Jobseeker's Allowance Regulations 2013

17. In regulation 60 of the Jobseeker's Allowance Regulations 2013 (earnings of self-employed earners)(17), in paragraph (2)—

(a) after sub-paragraph (b)(i) insert—

“(ia) under section 81(2), (3), (5) or (6)(a) or (b) of the Social Services and Well-being (Wales) Act 2014 (ways in which looked after children are to be accommodated and maintained);”;

(b) in sub-paragraph (c)—

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

(ii) after paragraph (vii) insert—

“ or

(viii) the person concerned where the payment is for the provision of accommodation to meet that person's needs for care and support under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (duty and power to meet needs for care and support of an adult);”.

Commencement Information

I16 [Art. 17](#) in force at 3.11.2017, see [art. 1](#)

Amendment of the Employment and Support Allowance Regulations 2013

18. In regulation 37 of the Employment and Support Allowance Regulations 2013 (claimant who works to be treated as not entitled to an employment and support allowance)(18), in paragraph (7)—

(a) after sub-paragraph (a)(i) insert—

“(ia) under section 81(2), (3), (5) or (6)(a) or (b) of the Social Services and Well-being (Wales) Act 2014 (ways in which looked after children are to be accommodated and maintained);”;

(b) in sub-paragraph (b)—

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

(ii) in paragraph (vii) for “care and support).” substitute—

“care and support); or

(viii) the person concerned where the payment is for the provision of accommodation to meet that person's needs for care and support under section 35 or 36 of the Social Services and Well-being (Wales) Act 2014 (duty and power to meet needs for care and support of an adult).”.

Commencement Information

I17 [Art. 18](#) in force at 3.11.2017, see [art. 1](#)

(17) [S.I. 2013/378](#), amended by [S.I. 2015/643](#); there are other amending instruments but none is relevant.

(18) [S.I. 2013/379](#), amended by [S.I. 2015/643](#); there are other amending instruments but none is relevant.

Status:

Point in time view as at 03/11/2017.

Changes to legislation:

There are currently no known outstanding effects for the 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.