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WELSH STATUTORY INSTRUMENTS

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**2011 No. 831**

**The Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2011**

**Interpretation**

**2. In these Regulations—**

“the 1983 Act” (“*Deddf 1983*”) means the Mental Health Act 1983(1);

“the 1989 Act” (“*Deddf 1989*”) means the Children Act 1989;

“the 1990 Act” (“*Deddf 1990*”) means the National Health Service and Community Care Act 1990(2);

“the 2001 Act” (“*Deddf 2001*”) means the Health and Social Care Act 2001;

“chargeable service” (“*gwasanaeth y caniateir codi ffioedd amdano*”) has the meaning set out in section 13 of the Social Care Charges (Wales) Measure 2010(3);

“direct payment” (“*taliad uniongyrchol*”) has the meaning given in regulation 8 or 9;

“prescribed person” (“*person rhagnodedig*”) means a person falling within the description prescribed by regulation 3 or 5 who falls within section 57(2) of the 2001 Act or section 17A(2) of the 1989 Act;

“P” means a person falling within the description prescribed by regulation 4 who falls within subsection (2)(a) of section 57 of the 2001 Act and subsection (5A)(4) of that section or is reasonably believed by the responsible authority(5) to fall within that subsection;

“relevant service” (“*gwasanaeth perthnasol*”) means —

(a) in the case of direct payments under section 57(1) of the 2001 Act or section 17A(1) of the 1989 Act—

(i) a community care service within the meaning of section 46 of the 1990 Act(6),

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(1) 1983 c. 20.

(2) 1990 c. 19.

(3) 2010 *nawm* 2. Section 13(2) contains the list of chargeable services which are —

(a) a service provided under section 29 of the National Assistance Act 1948 (c. 29) unless the service is one for which payment may be required under section 22 or 26 of that Act;

(b) a service provided under section 45(1) of the Health Services and Public Health Act 1968 (c. 46);

(c) a service provided under Schedule 15 to the National Health Service (Wales) Act 2006 (c. 42);

(d) a service provided under paragraph 1 of Part II of Schedule 9 to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) unless the service is one for which payment may be required under section 22 or 26 of the National Assistance Act 1948;

(e) a service provided under section 2 of the Carers and Disabled Children Act 2000 (c. 16) unless the service is provided in the form of residential care.

The Welsh Ministers may, by order, amend the list of services prescribed by section 13(2).

(4) Section 57A of the Act was inserted by section 146(6) of the 2008 Act.

(5) See section 57(2) of the Act for the definition of “responsible authority”.

(6) Section 46 was amended by paragraph 14 of Schedule 10 to the Local Government (Wales) Act 1994 (c. 19) and by paragraphs 128 and 129 of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (ii) a service under section 2 of the Carers and Disabled Children Act 2000 (services for carers)(7), or
  - (iii) a service which the responsible authority(8) may provide in exercise of functions under section 17 of the 1989 Act (9) (provision of services for children in need, their families and others); or
- (b) in the case of direct payments under section 57(1A) of the 2001 Act, a community care service within the meaning of section 46 of the 1990 Act;
- “S” is the suitable person referred to in regulation 9(1).

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(7) 2000 c. 16.

(8) See section 17A(2) of the Children Act 1989 (c. 41) for the definition of “responsible authority”.

(9) Section 17 was amended by section 7(1) and (2) of the Children (Leaving Care) Act 2000 (c. 35), by paragraphs 15 and 16 of Schedule 3 to the Tax Credits Act 2002 (c. 21) and by section 116(1) of the Adoption and Children Act 2002 (c. 38), by section 53(1) of the Children Act 2004 (c. 31), by paragraph 6 of Schedule 3 to the Welfare Reform Act 2007 (c. 5), by section 24 of the Children and Young Persons Act 2008 (c. 23), paragraph 1 of Schedule 1, paragraphs 1 and 2 of Schedule 3 and by Schedule 4 to that Act.