

CARE ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 – General

Section 123 – Power to make consequential provision

742. This section provides power for the Secretary of State by order to make provision in consequence of the Act; in particular, an order may amend, repeal, revoke or modify the application of an enactment.
743. This power, in particular, will be used to make provision in respect of the repeal of the statutory provisions currently underpinning adult social care in England, and any necessary consequential amendments arising from such repeal.
744. This approach, making provision by order rather than on the face of the Act, is required to ensure consistency with similar repeal and consequential provision to be made, by order, under the Social Services and Well-being (Wales) Act (“the Welsh Act”). The Welsh Act received Royal Assent on 1 May 2014. The Welsh Act deals with the reform of adult social care in Wales, and therefore envisages repeal, in respect of Wales, of the same statutory provisions as will need to be repealed in respect of England. Such repeals, in respect of both territories, will be effected by a sequence of orders providing for, first, disapplication and then repeal (and in both cases for any necessary consequential amendments). The sequence would depend on which Act comes into force first. The repeals would be subject to savings in respect of the existing rights of those under the age of 18 and also in respect of any provisions that also extend to Scotland.