



Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

Duties and powers to meet needs

21 Exception for persons subject to immigration control

- (1) A local authority may not meet the needs for care and support of an adult to whom section 115 of the Immigration and Asylum Act 1999 (“the 1999 Act”) (exclusion from benefits) applies and whose needs for care and support have arisen solely—
 - (a) because the adult is destitute, or
 - (b) because of the physical effects, or anticipated physical effects, of being destitute.
- (2) For the purposes of subsection (1), section 95(2) to (7) of the 1999 Act applies but with the references in section 95(4) and (5) to the Secretary of State being read as references to the local authority in question.
- (3) But, until the commencement of section 44(6) of the Nationality, Immigration and Asylum Act 2002, subsection (2) is to have effect as if it read as follows—
 - “(2) For the purposes of subsection (1), section 95(3) and (5) to (8) of, and paragraph 2 of Schedule 8 to, the 1999 Act apply but with references in section 95(5) and (7) and that paragraph to the Secretary of State being read as references to the local authority in question.”
- (4) The reference in subsection (1) to meeting an adult’s needs for care and support includes a reference to providing care and support to the adult in order to meet a carer’s needs for support.
- (5) For the purposes of its application in relation to the duty in section 2(1) (preventing needs for care and support), this section is to be read as if—
 - (a) for subsection (1) there were substituted—

Status: This is the original version (as it was originally enacted).

- “(1) A local authority may not perform the duty under section 2(1) in relation to an adult to whom section 115 of the Immigration and Asylum Act 1999 (“the 1999 Act”) (exclusion from benefits) applies and whose needs for care and support have arisen, or for whom such needs may in the future arise, solely—
- (a) because the adult is destitute, or
 - (b) because of the physical effects, or anticipated physical effects, of being destitute.”, and
- (b) subsection (4) were omitted.