



Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

Establishing where a person lives, etc.

39 Where a person's ordinary residence is

- (1) Where an adult has needs for care and support which can be met only if the adult is living in accommodation of a type specified in regulations, and the adult is living in accommodation in England of a type so specified, the adult is to be treated for the purposes of this Part as ordinarily resident—
 - (a) in the area in which the adult was ordinarily resident immediately before the adult began to live in accommodation of a type specified in the regulations, or
 - (b) if the adult was of no settled residence immediately before the adult began to live in accommodation of a type so specified, in the area in which the adult was present at that time.
- (2) Where, before beginning to live in his or her current accommodation, the adult was living in accommodation of a type so specified (whether or not of the same type as the current accommodation), the reference in subsection (1)(a) to when the adult began to live in accommodation of a type so specified is a reference to the beginning of the period during which the adult has been living in accommodation of one or more of the specified types for consecutive periods.
- (3) The regulations may make provision for determining for the purposes of subsection (1) whether an adult has needs for care and support which can be met only if the adult is living in accommodation of a type specified in the regulations.
- (4) An adult who is being provided with accommodation under section 117 of the Mental Health Act 1983 (after-care) is to be treated for the purposes of this Part as ordinarily resident in the area of the local authority in England or the local authority in Wales

Status: This is the original version (as it was originally enacted).

on which the duty to provide the adult with services under that section is imposed; and for that purpose—

- (a) “local authority in England” means a local authority for the purposes of this Part, and
 - (b) “local authority in Wales” means a local authority for the purposes of the Social Services and Well-being (Wales) Act 2014.
- (5) An adult who is being provided with NHS accommodation is to be treated for the purposes of this Part as ordinarily resident—
- (a) in the area in which the adult was ordinarily resident immediately before the accommodation was provided, or
 - (b) if the adult was of no settled residence immediately before the accommodation was provided, in the area in which the adult was present at that time.
- (6) “NHS accommodation” means accommodation under—
- (a) the National Health Service Act 2006,
 - (b) the National Health Service (Wales) Act 2006,
 - (c) the National Health Service (Scotland) Act 1978, or
 - (d) Article 5(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.
- (7) The reference in subsection (1) to this Part does not include a reference to section 28 (independent personal budget).
- (8) Schedule 1 (which makes provision about cross-border placements to and from Wales, Scotland or Northern Ireland) has effect.