
STATUTORY INSTRUMENTS

2014 No. 2889

**The Care and Support (Independent
Advocacy Support) (No. 2) Regulations 2014**

Circumstances in which the exception in section 67(5) of the Act does not apply

4.—(1) The exception in section 67(5) of the Act does not apply in the circumstances specified in paragraphs (2) and (3).

(2) The circumstances specified in this paragraph are that—

(a) the exercise of the assessment or planning function in relation to the individual is likely to result in an NHS body making arrangements for the provision to that individual of accommodation in—

(i) a hospital for a period of 28 days or more; or

(ii) a care home for a period of 8 weeks or more; and

(b) the local authority is satisfied that it would be in the best interests of the individual to make arrangements in relation to that individual under section 67(2) of the Act.

(3) The circumstances specified in this paragraph are that—

(a) there is disagreement on a material issue between the local authority and the person referred to in section 67(5) of the Act in the case of the individual; and

(b) the local authority and that person agree that making arrangements under section 67(2) of the Act in relation to the individual would be in the best interests of that individual.

(4) In this regulation—

“care home” means a care home (within the meaning given in section 3 of the Care Standards Act 2000⁽¹⁾) in respect of a which a person is registered under the Health and Social Care Act 2008⁽²⁾ for the regulated activity of the provision of residential accommodation together with nursing or personal care;

“hospital” means—

(a) any institution for the reception and treatment of persons suffering from illness;

(b) any maternity home; or

(c) any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation;

“the individual” refers to the individual in relation to whom the duty under section 67(2) of the Act would apply but for the exception in section 67(5) of the Act;

“NHS body” means—

(a) the National Health Service Commissioning Board⁽³⁾;

(1) 2000 c.14.

(2) 2008 c.14.

(3) The National Health Service Commissioning Board is established by section 1H of the National Health Service Act 2006 (c.41). Section 1H was inserted by section 9(1) of the Health and Social Care Act 2012 (c.7).

Status: This is the original version (as it was originally made).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

- (b) a clinical commissioning group⁽⁴⁾; or
- (c) a NHS trust or foundation trust.

⁽⁴⁾ A clinical commissioning group is a body established under section 14D of the National Health Service Act 2006. Section 14D was inserted by section 25(1) of the Health and Social Care Act 2012.