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STATUTORY INSTRUMENTS

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**2015 No. 643**

**SOCIAL CARE, ENGLAND**

The Care Act 2014 (Consequential Amendments)  
(Secondary Legislation) Order 2015

*Made* - - - - - *10th March 2015*  
*Laid before Parliament* *11th March 2015*  
*Coming into force in accordance with article 1(2)*

The Secretary of State makes this Order in exercise of the powers conferred by sections 123(1) and (2) and 125(7) and (8) of the Care Act 2014<sup>(1)</sup>.

In accordance with section 123(5) of that Act, the Secretary of State has consulted the Welsh Ministers before making this Order.

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Care Act 2014 (Consequential Amendments) (Secondary Legislation) Order 2015.

(2) This Order comes into force on the day on which section 1 of the Care Act 2014 comes into force.

(3) An amendment or revocation made by this Order has the same extent as the enactment amended or revoked.

**Amendments**

2. The Schedule (amendments consequential on the Care Act 2014) has effect.

**Revocations**

3. The following are revoked—

- (a) the Delayed Discharges (Mental Health Care) (England) Order 2003<sup>(2)</sup>;
- (b) the Delayed Discharges (England) Regulations 2003<sup>(3)</sup>;

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(1) [2014 c. 23](#). The powers to make regulations are exercisable by the Secretary of State. *See* section 125(1) of the Act.  
(2) [S.I. 2003/2276](#).  
(3) [S.I. 2003/2277](#).

- (c) paragraphs 1 to 12, 14 to 18, 20, 21, 23, 25, 27 and 29 of the Schedule to the Contracting Out (Local Authorities Social Services Functions) (England) Order 2014<sup>(4)</sup>.

### **Savings**

4.—(1) Despite the amendments and revocations made by this Order—

- (a) any provision that operates in relation to, or by reference to, support or services provided, or payments towards the cost of support or services made, to or in relation to a relevant person, and
- (b) anything done under such a provision,

continues to have effect for the purposes of that support or those services or payments.

(2) In paragraph (1)—

- (a) “relevant person” means a person to whom or in relation to whom support or services are being provided, or payments towards the cost of support or services are being made, immediately before this Order comes into force;
- (b) references to support or services provided include support or services that are not provided, but are or may be required or permitted to be provided before the date on which this Order comes into force;
- (c) references to payments made include payments that are not made but are or may be required or permitted to be made before that date.

(3) This article is without prejudice to section 16 of the Interpretation Act 1978<sup>(5)</sup> (general savings).

Signed by authority of the Secretary of State for Health.

*Norman Lamb*  
Minister of State  
Department of Health

10th March 2015

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(4) S.I. 2014/829.

(5) 1978 c. 30.

## SCHEDULE

Article 2

### Amendments consequential on the Care Act 2014

#### **Public Trustee Rules 1912**

1. In Rule 30(1)(i) of the Public Trustee Rules 1912 (corporate bodies as custodian trustees)(6) after “residential accommodation provided under section 21(1)(a) of the National Assistance Act 1948”, insert “, or accommodation provided under Part 1 of the Care Act 2014 (care and support),”.

#### **Fire Services (Compensation) Regulations 1974**

2. In the Schedule to the Fire Services (Compensation) Regulations 1974 (relevant employment)(7), after paragraph 8, insert—

“8A.—(1) A person who is an employee (within the meaning of section 79(3) of the Care Act 2014 (delegation of local authority functions)) of a voluntary organisation which meets the following condition.

(2) The condition is that the organisation is authorised under section 79(1)(a) of that Act for the purposes of meeting care and support, or support, needs other than by the provision, or arrangements for the provision, of accommodation.

(3) For the purposes of this paragraph “voluntary organisation” means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.”.

#### **Police (Compensation) Regulations 1974**

3. In the Schedule to the Police (Compensation) Regulations 1974 (relevant employment)(8), after paragraph 8, insert—

“8A.—(1) A person who is an employee (within the meaning of section 79(3) of the Care Act 2014 (delegation of local authority functions)) of a voluntary organisation which meets the following condition.

(2) The condition is that the organisation is authorised under section 79(1)(a) of that Act for the purposes of meeting care and support, or support, needs other than by the provision, or arrangements for the provision, of accommodation.

(3) For the purposes of this paragraph “voluntary organisation” means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.”.

#### **Sale of Optical Appliances Order of Council 1984**

4.—(1) In article 1(2) of the Sale of Optical Appliances Order of Council 1984(9), in the definition of “registered blind or partially sighted”—

- (a) omit “, in relation to a person, that he is registered as a blind or partially sighted person”;
- (b) in paragraph (a), at the beginning, insert “registered as a blind or partially sighted person”;
- (c) in paragraph (b)—

(6) S.I. 1912/348, Rule 30 was substituted by S.I. 1975/1189 and paragraph (i) inserted by S.I. 1976/836.

(7) S.I. 1974/540.

(8) S.I. 1974/759.

(9) S.I. 1984/1778. The definition of “registered blind or partially sighted” was amended by S.I. 2005/848.

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- (i) at the beginning, insert “registered as a blind or partially sighted person”;
- (ii) omit the “or” at the end;
- (d) in paragraph (c)—
  - (i) at the beginning, insert “registered as a blind or partially sighted person”;
  - (ii) at the end, insert “or”;
- (e) after paragraph (c) insert—
  - “(d) registered as sight-impaired or severely sight-impaired in a register kept under section 77(1) of the Care Act 2014 (registers of sight-impaired adults).”.

### **Income Support (General) Regulations 1987**

- 5.—(1) The Income Support (General) Regulations 1987(10) are amended as follows.
- (2) In regulation 16(8)(za) (circumstances in which a person is to be treated as being or not being a member of the household)—
- (a) in paragraph (ii), omit “or” at the end;
  - (b) at the end of paragraph (iii), insert—
    - “or
    - (iv) under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support).”.
- (3) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 27, after sub-paragraph (d), insert—
    - “(dza) the person concerned where the payment is for the provision of accommodation in respect of the meeting of that person’s needs under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support).”;
  - (b) in paragraph 30(1)(e), at the end, insert “or Part 1 of the Care Act 2014 (care and support).”;
  - (c) in paragraph 30A(2)—
    - (i) the text after “is provided by” becomes paragraph (a);
    - (ii) at the end of that paragraph, insert—
      - “or
      - (b) a person other than a local authority under arrangements made with the person by a local authority in the exercise of the local authority’s functions under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support).”;
  - (d) in paragraph 58, after “health care”, insert “or under sections 31 to 33 of the Care Act 2014 (direct payments).”;
  - (e) in paragraph 66, after “Social Work (Scotland) Act 1968 refers,”, insert “or the provision of care and support under Part 1 of the Care Act 2014 (care and support).”.
- (4) In Schedule 10 (capital to be disregarded), in paragraph 67, after “Any payment made under”, insert “sections 31 to 33 of the Care Act 2014 (direct payments) or under”.

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(10) S.I. 1987/1967. Regulation 16(8)(za) was inserted by S.I. 2005/2687. Paragraph 27 of Schedule 9 was substituted by S.I. 1998/563 and sub-paragraph (da) inserted by S.I. 2013/235. Paragraph 30(1)(e) of Schedule 9 was amended by S.I. 2001/3767. Paragraph 30A of Schedule 9 was inserted by S.I. 1993/2119 and sub-paragraph (2) was amended by S.I. 2001/3767 and 2005/2687. Paragraph 58 of Schedule 9 was inserted by S.I. 1997/65 and amended by S.I. 2003/762, 2009/583, 2010/641 and 2014/513. Paragraph 66 of Schedule 9 was inserted by S.I. 1998/2117 and amended by S.I. 2000/681, 2005/2078 and 2005/2687. Paragraph 67 of Schedule 10 was inserted by S.I. 2003/2279 and amended by S.I. 2009/583, 2010/641 and 2014/513.

### **Social Security (Attendance Allowance) Regulations 1991**

6. In regulation 7(2)(a) of the Social Security (Attendance Allowance) Regulations 1991(11) (persons in care homes)—

- (a) in paragraph (vi), omit “or”;
- (b) after paragraph (vi), insert—  
“(vii) Part 1 of the Care Act 2014 (care and support), or”.

### **Social Security (Disability Living Allowance) Regulations 1991**

7. In regulation 9(2)(a) of the Social Security (Disability Living Allowance) Regulations 1991(12) (persons in care homes)—

- (a) in paragraph (vi), omit “or”;
- (b) after paragraph (vi), insert—  
“(vii) Part 1 of the Care Act 2014 (care and support), or”.

### **Council Tax (Liability for Owners) Regulations 1992**

8. In regulation 2 of the Council Tax (Liability for Owners) Regulations 1992 (chargeable dwellings)(13), in the provision relating to Class A chargeable dwellings, after “section 21 of the National Assistance Act 1948”, insert “or accommodation is provided under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support)”.

### **Jobseeker’s Allowance Regulations 1996**

9.—(1) The Jobseeker’s Allowance Regulations 1996(14) are amended as follows.

(2) In regulation 78(9) (circumstances in which a person is to be treated as being or not being a member of the household), after sub-paragraph (za)(i) insert—

- “(ia) under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support); or”.

(3) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings)—

- (a) after paragraph 28(d), insert—  
“(dza) the person concerned where the payment is for the provision of accommodation in respect of the meeting of that person’s needs under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support);”;
- (b) at the end of paragraph 31(1)(e), insert “or Part 1 of the Care Act 2014 (care and support)”;
- (c) in paragraph 32(2)—
  - (i) the text after “is provided by” becomes paragraph (a);
  - (ii) at the end of that paragraph, insert—  
“or

(11) S.I. 1991/2740. Regulation 7 was substituted by S.I. 2007/287 and paragraph (2)(a)(vi) inserted by S.I. 2013/2270.

(12) S.I. 1991/2890. Regulation 9 was substituted by S.I. 2007/287 and paragraph (2)(a)(vi) inserted by S.I. 2013/2270.

(13) S.I. 1992/551; the provisions relating to Class A dwellings were substituted by S.I. 2003/3125.

(14) S.I. 1996/207. Regulation 78(9)(za) was inserted by S.I. 2005/2687. Paragraph 28 of Schedule 7 was substituted by S.I. 1998/563 and sub-paragraph (da) inserted by S.I. 2013/235. Paragraph 31(1)(e) of Schedule 7 was amended by S.I. 2001/3767. Paragraph 32(2) of Schedule 7 was amended by S.I. 2001/3767 and 2005/2687. Paragraph 56 of Schedule 7 was inserted by S.I. 1997/65 and amended by S.I. 2003/762, 2009/583, 2010/641 and 2014/513. Paragraph 64 of Schedule 7 was inserted by S.I. 1998/2117 and amended by S.I. 2005/2687 and 2009/2655. Paragraph 68 of Schedule 8 was inserted by S.I. 2003/2279 and amended by S.I. 2009/583, 2010/641 and 2014/513.

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- (b) a person other than a local authority under arrangements made with the person by a local authority in the exercise of the local authority's functions under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support).";
  - (d) in paragraph 56, after "health care)", insert "or under sections 31 to 33 of the Care Act 2014 (direct payments).";
  - (e) in paragraph 64, after "Social Work (Scotland) Act 1968 refers," insert "or the provision of care and support under Part 1 of the Care Act 2014,".
- (4) In paragraph 60 of Schedule 8 (capital to be disregarded), after "Any payment made under", insert "sections 31 to 33 of the Care Act 2014 (direct payments) or under".

### **Housing Renewal Grants Regulations 1996**

- 10.**—(1) The Housing Renewal Grants Regulations 1996<sup>(15)</sup> are amended as follows—
- (2) In Schedule 1 (applicable amounts)—
- (a) in paragraph 12(1)(a)(v) (additional condition for the higher pensioner and disability premiums)—
    - (i) after "local authority", insert "in Wales";
    - (ii) after "section 29 of the National Assistance Act 1948 (welfare services)", insert "or is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults)";
  - (b) in paragraphs 12(2) and 13(3) and (5) and 14(1)(c), after "blind", in each place it occurs, insert "or severely sight-impaired".
- (3) In Schedule 1A (applicable amounts for persons who have attained or whose partner has attained the qualifying age for state pension credit)—
- (a) in paragraph 7(3), (4)(b) and (5)(b) after "blind", in each place it occurs, insert "or severely sight-impaired";
  - (b) in paragraph 7(4)(a)—
    - (i) after "local authority", insert "in Wales";
    - (ii) after "section 29 of the National Assistance Act 1948 (welfare services)", insert "or is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults)";
  - (c) in paragraph 9(1)(b), after "blind", in both places, insert "or severely sight-impaired".
- (4) In Schedule 3 (sums to be disregarded in determination of income other than earnings)—
- (a) in paragraph 24—
    - (i) in sub-paragraph (c), omit "or";
    - (ii) at the end of sub-paragraph (d), insert—
      - "or
      - (e) the person concerned where the payment is for the provision of accommodation in respect of the meeting of that person's needs under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support)."<sup>(16)</sup>;

<sup>(15)</sup> [S.I. 1996/2890](#). Paragraph 24 of Schedule 3 was substituted by [S.I. 1999/235](#). Paragraph 59 of Schedule 3 was inserted by [S.I. 1998/808](#) and amended by [S.I. 2003/762](#) and [2014/513](#).

<sup>(16)</sup> The previous sub-paragraph (e) was revoked by [S.I. 2013/235](#).

- (b) in paragraph 59, after “Community Care (Direct Payments) Act 1996”, insert “or sections 31 to 33 of the Care Act 2014 (direct payments)”.

### **Community Legal Service (Financial) Regulations 2000**

**11.**—(1) The Community Legal Service (Financial) Regulations 2000<sup>(17)</sup> are amended as follows.

(2) In regulation 19(b) (calculation of income), after “any direct payments made under”, insert “sections 31 to 33 of the Care Act 2014 (direct payments) or under”.

(3) In regulation 33(b) (calculation of capital), after “Community Care (Direct Payments) Act 1996”, insert “or sections 31 to 33 of the Care Act 2014 (direct payments)”.

### **Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000**

**12.** In regulation 4(2)(c) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (descriptions of disabled persons)<sup>(18)</sup>, after “blind under section 29(4)(g) of the National Assistance Act 1948”, insert “or severely sight-impaired under section 77(1) of the Care Act 2014 (registers of sight-impaired adults)”.

### **NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000**

**13.**—(1) — The NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000<sup>(19)</sup> are amended as follows.

(2) In regulation 2 (interpretation), omit the definition of “the 1948 Act”.

(3) In regulation 6 (health-related functions of local authorities)—

(a) in paragraph (a)(i), for “sections 22, 23(3), 26(2) to (4), 43, 45 and 49 of the 1948 Act” substitute “section 14 of the Care Act 2014 (power to charge), section 17 of that Act (assessment of financial resources), section 69 of that Act (recovery of charges, interest etc.) or regulations under section 2(3) of that Act (charging for preventing needs)”;

(b) omit paragraph (a)(iva);

(c) in paragraph (b), for “sections 7 or 8” substitute “section 7”;

(d) for paragraphs (k) and (l), substitute—

“(k) where partners enter into arrangements under regulation 7(1) or 8(1) in respect of meeting needs for care and support under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support), the function of making a charge for meeting those needs under section 14 of that Act or of carrying out a financial assessment in relation to the making of the charge under section 17 of that Act;

(l) where partners enter into arrangements under regulation 7(1) or 8(1) in respect of providing or arranging for the provision of services, facilities or resources, or taking other steps under section 2(1) of the Care Act 2014, the function of making a charge for that provision, arrangement or taking of steps under regulations under section 2(3) of that Act;”.

<sup>(17)</sup> [S.I. 2000/516](#). Regulation 19(b) was substituted by [S.I. 2007/906](#) and amended by [2009/1887](#). Regulation 33 was amended by [S.I. 2004/1748](#).

<sup>(18)</sup> [S.I. 2000/682](#).

<sup>(19)</sup> [S.I. 2000/617](#). The definition of “the 1948 Act” was inserted by [S.I. 2003/629](#). Regulation 6(a)(i) was amended by [S.I. 2003/629](#) and paragraph (iva) inserted by [S.I. 2012/3094](#). Regulation 6(b) was substituted by [S.I. 2012/1172](#). Regulation 6(k) and (l) was inserted by [S.I. 2003/629](#).

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### **Asylum Support Regulations 2000**

14. In regulation 23(1) of the Asylum Support Regulations 2000 (meaning of “destitute” for certain other purposes)(**20**), after sub-paragraph (c), insert—

“(ca) section 21(1) of the Care Act 2014 (exception for persons subject to immigration control);”.

### **Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000**

15. In article 4(1)(a) of the Persons Subject to Immigration Control (Housing Authority Accommodation and Homelessness) Order 2000(**21**), for the words from “who” to the end, substitute “whose needs for care and support a local authority considers should be met under Part 1 of the Care Act 2014 by the provision of accommodation;”.

### **Representation of the People (England and Wales) Regulations 2001**

16. In regulation 53 of the Representation of the People (England and Wales) Regulations 2001 (additional requirements for applications for a proxy vote for a definite or indefinite period on grounds of blindness or any other disability)(**22**)—

(a) in paragraph (5)(a), for the words from “as a blind person” to the end, substitute—

“by the local authority which is specified in the application as—

(i) a blind person under section 29(4)(g) of the National Assistance Act 1948;  
or

(ii) a person who is severely sight-impaired under section 77(1) of the Care Act 2014 (registers of sight-impaired adults); or”;

(b) in paragraph (6), after “section 29(4)(g) of the National Assistance Act 1948”, insert “or registered as severely sight-impaired by a local authority under section 77(1) of the Care Act 2014 (registers of sight-impaired adults)”.

### **Criminal Defence Service (General) (No. 2) Regulations 2001**

17. In Schedule 1 to the Criminal Defence Service (General) (No. 2) Regulations 2001(**23**), in paragraph 8(1)(d), after “Community Care (Direct Payments) Act 1996”, insert “or sections 31 to 33 of the Care Act 2014 (direct payments)”.

### **Police Act 1997 (Criminal Records) Regulations 2002**

18. In regulation 5B(9)(h) of the Police Act 1997 (Criminal Records) Regulations 2002 (work with adults)(**24**), at the end, insert “or accommodation under Part 1 of the Care Act 2014 (care and support).”.

### **State Pension Credit Regulations 2002**

19.—(1) — The State Pension Credit Regulations 2002(**25**) are amended as follows.

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(20) [S.I. 2000/704](#).

(21) [S.I. 2000/706](#).

(22) [S.I. 2001/341](#); there are amendments not relevant to this instrument.

(23) [S.I. 2001/1437](#). Regulation 8(1)(d) was amended by [S.I. 2003/762](#).

(24) [S.I. 2002/233](#). Regulation 5B was inserted by [S.I. 2013/1194](#).

(25) [S.I. 2002/1792](#). Regulation 17B was inserted by [S.I. 2002/3019](#). Relevant amendments to paragraph (4)(b) are made by [S.I. 2008/3157](#) and [2013/235](#). Paragraph 23C of Schedule 5 was inserted by [S.I. 2011/2425](#) and amended by [S.I. 2014/513](#).



- (2) In regulation 17B(4)(b), in the text of the inserted paragraph (2)(d)—
- (a) in paragraph (ivb), omit “or”;
  - (b) at the end of paragraph (vi), insert—
    - “or
    - (vii) the person concerned where the payment is for the provision of accommodation in respect of the meeting of that person’s needs under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support);”.
- (3) In paragraph 23C of Schedule 5—
- (a) in sub-paragraph (b), omit “or”;
  - (b) at the end of sub-paragraph (c), insert—
    - “or
    - (d) under sections 31 to 33 of the Care Act 2014 (direct payments).”.

### **Tax Credits (Definition and Calculation of Income) Regulations 2002**

**20.** In Table 8 in regulation 19 of the Tax Credits (Definition and Calculation of Income) Regulations 2002 (sums partly disregarded in the calculation of income)(**26**), after paragraph 3(d), insert—

“(dza) that person where the payment is for the provision of accommodation in respect of the meeting of that person’s needs under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support);”.

### **National Health Service (Travel Expenses and Remission of Charges) Regulations 2003**

**21.**—(1) The National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(**27**) are amended as follows.

- (2) In regulation 2 (interpretation)—
- (a) in the definition of “capital limit”, for paragraph (a), substitute—
    - “(a) in the case of a person who lives permanently in—
      - (i) a care home, or
      - (ii) accommodation provided by a local authority under Part 1 of the Care Act 2014 (care and support),
    - is the amount prescribed in regulation 12(1) of the Care and Support (Charging and Assessment of Resources) Regulations 2014, and”(**28**);
  - (b) omit the definitions of “full rate” and “standard rate”.
- (3) In regulation 5(2)(a), for paragraph (ii) to the end, substitute—
- “(ii) accommodation provided by a local authority under Part 1 of the Care Act 2014 (care and support),

where the personal budget for the person under section 26 of that Act specifies that the local authority must itself pay towards the cost of that accommodation;”.

(4) Column 2 of Table B in Schedule 1 (modifications of the Income Support (General) Regulations 1987) is amended as follows—

(26) [S.I. 2002/2006](#). Paragraph 3(da) was inserted by [S.I. 2013/235](#).

(27) [S.I. 2003/2382](#); there are amendments to regulation 2 and to Table B in Schedule 1 which are not relevant to this instrument.

(28) [S.I. 2014/2672](#). These Regulations are to come into force in accordance with regulation 1.

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- (a) in the entry for regulation 18, in the inserted regulation 19A, for “sections 21 to 24 and 26 of the National Assistance Act 1948”, substitute “Part 1 of the Care Act 2014 (care and support)”;
- (b) in the entry for Schedule 3, in the substituted paragraph 4, for “sections 21 to 24 and 26 of the National Assistance Act” substitute “Part 1 of the Care Act 2014 (care and support)”;
- (c) in the entry for Schedule 7, for “sections 21 to 24 and 26 of the National Assistance Act 1948” in the three places it occurs, substitute “Part 1 of the Care Act 2014 (care and support)”.

#### **European Parliamentary Elections Regulations 2004**

**22.** In Schedule 2 to the European Parliamentary Elections Regulations 2004 (**29**), in paragraph 23(6) (additional requirements for applications for a proxy vote on grounds of blindness or other disability)—

- (a) in paragraph (a), omit “England and”;
- (b) after that paragraph insert—

“(aa) in England, the application is based on the applicant’s severe sight-impairment and the applicant is registered, under section 77(1) of the Care Act 2014 (registers of sight-impaired adults), as a severely sight-impaired person by the local authority which is specified in the application;”.

#### **Communications (Television Licensing) Regulations 2004**

**23.** In paragraph 5 of Schedule 4 to the Communications (Television Licensing) Regulations 2004 (accommodation for residential care licences)(**30**), after sub-paragraph (1)(a), insert—

“(aa) provided to meet needs under sections 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support);”.

#### **Housing Benefit Regulations 2006**

**24.**—(1) The Housing Benefit Regulations 2006(**31**) are amended as follows.

(2) In regulation 52(8)(a) (calculation of tariff income from capital), after “sections 21 to 24 of the National Assistance Act 1948 (provision of accommodation)”, insert “or under Part 1 of the Care Act 2014 (care and support)”.

(3) In Schedule 5 (sums to be disregarded in the calculation of income other than earnings)—

- (a) in paragraph 27, after sub-paragraph (d), insert—

“(dza) the person concerned where the payment is for the provision of accommodation in respect of the meeting of that person’s needs under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support);”;

- (b) in paragraph 57, after “National Health Service Act 2006 (direct payments for health care)”, insert “or under sections 31 to 33 of the Care Act 2014 (direct payments)”.

(4) In Schedule 6 (capital to be disregarded), in paragraph 58, at the end, insert “or under sections 31 to 33 of the Care Act 2014 (direct payments)”.

(29) [S.I. 2004/293](#). Schedule 2 was substituted by [S.I. 2009/186](#). There are other amendments not relevant to this instrument.

(30) [S.I. 2004/692](#); there is an amendment not relevant to this instrument.

(31) [S.I. 2006/213](#). Paragraph 27 of Schedule 5 was amended by [S.I. 2013/235](#). Paragraph 57 of Schedule 5 and paragraph 58 of Schedule were amended by [S.I. 2009/583](#), [2010/641](#) and [2014/513](#).

### **Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

**25.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006<sup>(32)</sup> are amended as follows.

(2) In regulation 38(2)(d) (earnings of self-employed earners)—

(a) in paragraph (ivb), omit “or”;

(b) at the end of paragraph (vi), insert—

“or

(vii) the person concerned where the payment is for the provision of accommodation in respect of the meeting of that person’s needs under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support);”.

(3) In paragraph 26D of Schedule 6 (capital to be disregarded)—

(a) at the end of sub-paragraph (b), omit “or”;

(b) at the end of sub-paragraph (c), insert—

“or

(d) as a direct payment under Part 1 of the Care Act 2014 (care and support).”.

### **Criminal Defence Service (Financial Eligibility) Regulations 2006**

**26.** In regulation 2(1) of the Criminal Defence Service (Financial Eligibility) Regulations 2006 (interpretation)<sup>(33)</sup>, in paragraph (b) of the definition of “gross annual income”, after “any direct payments made under”, insert “sections 31 to 33 of the Care Act 2014 (direct payments) or under”.

### **Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (Expansion of Role) Regulations 2006**

**27.** In regulation 3(2) of the Mental Capacity Act 2005 (Independent Mental Capacity Advocates) (Expansion of Role) Regulations 2006<sup>(34)</sup> (review of arrangements as to accommodation), in the definition of “accommodation”, for paragraph (b) substitute—

“(b) accommodation provided in respect of the meeting of a person’s needs under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support), or

(c) residential accommodation provided in accordance with section 21 or 29 of the National Assistance Act 1948 as the result of a decision taken by a local authority under section 47 of the National Health Service and Community Care Act 1990;”.

### **Community Drivers’ Hours and Recording Equipment Regulations 2007**

**28.** In paragraph 1(2)(c) of the Schedule to the Community Drivers’ Hours and Recording Equipment Regulations 2007 (exempted vehicles)<sup>(35)</sup>—

(a) in sub-paragraph (i), omit “or”;

(b) at the end of sub-paragraph (ii), insert—

<sup>(32)</sup> [S.I. 2006/214](#). Regulation 38(2)(d) was amended by [S.I. 2008/3157](#) and [2013/235](#). Paragraph 26D of Schedule 6 was inserted by [S.I. 2011/2425](#) and amended by [S.I. 2014/513](#).

<sup>(33)</sup> [S.I. 2006/2492](#). Paragraph (b) was amended by [S.I. 2009/1887](#).

<sup>(34)</sup> [S.I. 2006/2883](#).

<sup>(35)</sup> [S.I. 2007/1819](#); there is an amendment not relevant to this instrument.

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“or

- (iii) services for persons who are aged 18 or over and have a disability within the meaning given by section 6 of the Equality Act 2010 (disability).”

### **Employment and Support (Allowance) Regulations 2008**

**29.**—(1) The Employment and Support (Allowance) Regulations 2008<sup>(36)</sup> are amended as follows.

(2) In regulation 156(9) (circumstances in which a person is to be treated as being or not being a member of the household), in the definition of “accommodation”, after paragraph (a), insert—

“(aa) under Part 1 of the Care Act 2014 (care and support).”;

(3) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings)—

(a) in paragraph 29—

- (i) in sub-paragraph (db), omit “or”;
- (ii) at the end of sub-paragraph (f), insert—

“or

- (g) the person concerned where the payment is for the provision of accommodation in respect of the meeting of that person’s needs under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support).”;

(b) in paragraph 32(1)(e), at the end, insert “or Part 1 of the Care Act 2014 (care and support).”;

(c) in paragraph 34(2)—

- (i) the text after “is provided by” becomes paragraph (a);
- (ii) at the end of that paragraph, insert—

“or

- (b) a person other than a local authority under arrangements made with the person by a local authority in the exercise of the local authority’s functions under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support).”;

(d) in paragraph 53, after “for healthcare”, insert “or under sections 31 to 33 of the Care Act 2014 (direct payments)”;

(e) in paragraph 56, after “Social Work (Scotland) Act 1968 refers”, insert “or the provision of care and support under Part 1 of the Care Act 2014 (care and support).”.

(4) In paragraph 56 of Schedule 9 (capital to be disregarded), after “Any payment”, insert “made as a direct payment under Part 1 of the Care Act 2014 (care and support) or”.

### **Primary Ophthalmic Services Regulations 2008**

**30.** In regulation 3(1)(f) of the Primary Ophthalmic Services Regulations 2008 (sight tests-eligibility)<sup>(37)</sup>, at the end, insert “or sight-impaired or severely-sight impaired under section 77(1) of the Care Act 2014 (registers of sight-impaired adults).”.

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<sup>(36)</sup> S.I. 2008/794. There are amendments not relevant to this instrument.

<sup>(37)</sup> S.I. 2008/1186.

### **Building (Local Authority Charges) Regulations 2010**

**31.** In regulation 4(4) of the Building (Local Authority Charges) Regulations 2010 (exception for building work solely required for disabled persons)(**38**), for the definition of “disabled person” substitute—

““disabled person” means a person who has a disability within the meaning given by section 6 of the Equality Act 2010 (disability); and”.

### **Teachers’ Pensions Regulations 2010**

**32.** In paragraph 11(c) of Schedule 2 to the Teachers’ Pensions Regulations 2010(**39**), for “paragraph 2 of Schedule 20 to NHSA 2006” substitute “Part 1 of the Care Act 2014 (care and support)”.

### **Postal Services (Universal Postal Service) Order 2012**

**33.** In article 2 of the Postal Services (Universal Postal Service) Order 2012 (interpretation)(**40**), in the definition of “blind”, at the end, insert “or as severely sight-impaired under the provisions of Part 1 of the Care Act 2014 (care and support);”.

### **Police and Crime Commissioner Elections Order 2012**

**34.** In paragraph 15 of Schedule 2 to the Police and Crime Commissioner Elections Order 2012 (additional requirements referred to in paragraph 14(4))(**41**)—

- (a) in sub-paragraph (6)(a), for the words from “as a blind person” to the end, substitute—
  - “by the local authority which is specified in the application as—
  - (i) a blind person under section 29(4)(g) of the National Assistance Act 1948;
  - or
  - (ii) a person who is severely sight-impaired under section 77(1) of the Care Act 2014 (registers of sight-impaired adults);”;
- (b) sub-paragraph (7), after “section 29(4)(g) of the National Assistance Act 1948”, insert “or registered as severely sight-impaired by a local authority under section 77(1) of the Care Act 2014 (registers of sight-impaired adults)”.

### **Child Support Maintenance Calculation Regulations 2012**

**35.** In regulation 64(2)(f) of the Child Support Maintenance Calculations Regulations 2012 (illness or disability of relevant other child)(**42**)—

- (a) in sub-paragraph (i), omit “England or” and the “or” at the end;
- (b) after sub-paragraph (i) insert—
  - “(ia) registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults); or”.

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(38) [S.I. 2010/404](#).

(39) [S.I. 2010/990](#).

(40) [S.I. 2012/936](#); there are amendments to regulation 2 which are not relevant to this instrument.

(41) [S.I. 2012/1917](#). Paragraph 15(6)(a) was amended by [S.I. 2013/388](#).

(42) [S.I. 2012/2677](#).

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## **Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012**

**36.**—(1) The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012<sup>(43)</sup> are amended as follows.

(2) In Schedule 1 (pensioners matters that must be included in an authority’s scheme), in paragraph 8 (non-dependant deductions)—

(a) in sub-paragraph (6)(a)—

- (i) before “blind” in the first place it occurs, insert “severely sight-impaired or”;
- (ii) for “blind” in the second place it occurs, substitute “such”;

(b) for sub-paragraph (11) substitute—

“(11) An applicant or his partner is severely sight-impaired or blind or treated as such for the purposes of sub-paragraph (6)(a) if the applicant or his partner—

- (a) is blind and in consequence registered in a register compiled by a local authority in Wales under section 29 of the National Assistance Act 1948 (welfare services); or
- (b) is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults); or
- (c) in Scotland, has been certified as blind and in consequence he is registered in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994.”;

(c) in sub-paragraph (12) —

- (i) before “blind” in the first place it occurs, insert “severely sight-impaired or”;
- (ii) for “blind” in the second place it occurs, substitute “such”.

(3) In paragraph 21(2)(d)(iii) of Schedule 1 (earnings of self-employers earners), for “pursuant to section 26(3A) of the National Assistance Act 1948” substitute “where the payment is for the provision of accommodation in respect of the meeting of that person’s needs under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support).”.

(4) In paragraph 25(13) of Schedule 1 (treatment of child care charges)—

- (a) in paragraph (c), after “section 29 of the National Assistance Act 1948 (welfare services)”, insert “or as severely sight-impaired in a register kept under section 77(1) of the Care Act 2014 (registers of sight-impaired adults)”;
- (b) in paragraph (d), after “blind” insert “or severely sight-impaired.”.

(5) In paragraph 26 of Schedule 1 (additional condition referred to in paragraph 25(10)(b)(i): disability)—

(a) in sub-paragraph (1)(a)(vii)—

- (i) after “local authority”, insert “in Wales”;
- (ii) after “section 29 of the National Assistance Act 1948 (welfare services)”, insert “or is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults)”;

(b) in sub-paragraph (2)—

- (i) after “blind” in the first place it occurs, insert “or severely sight-impaired”;
- (ii) for “blind” in the second place it occurs, substitute “such”.

<sup>(43)</sup> S.I. 2012/2885.

- (6) In paragraph 6 (severe disability premium) of Schedule 2 (applicable amounts)—
- (a) in sub-paragraph (3)—
    - (i) after “blind” in the first place it occurs, insert “or severely sight-impaired”;
    - (ii) for “blind” in the second place it occurs, substitute “such”;
  - (b) in sub-paragraph (4)—
    - (i) after “blind” in the first place it occurs, insert “or severely sight-impaired”;
    - (ii) after “local authority”, insert “in Wales”;
    - (iii) after “section 29 of the National Assistance Act 1948 (welfare services)”, insert “or is registered as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults)”;
  - (c) in sub-paragraph (5)—
    - (i) after “blind” in the first place it occurs, insert “or severely sight-impaired”;
    - (ii) for “blind” in the second place it occurs, substitute “such”.
- (7) In paragraph 5(1)(b) of Schedule 4 (sums disregarded from applicant’s earnings)—
- (a) after “local authority”, insert “in Wales”;
  - (b) after “section 29 of the National Assistance Act 1948”, insert “or as severely sight-impaired in a register kept by a local authority in England under section 77(1) of the Care Act 2014 (registers of sight-impaired adults)”.
- (8) In paragraph 29 of Schedule 6 (capital disregards)—
- (a) omit “by virtue of regulations made under”;
  - (b) at the beginning of sub-paragraphs (a), (c), (d) and (e), insert “by virtue of regulations made under”;
  - (c) at the end of sub-paragraph (d), omit “or”;
  - (d) at the end of sub-paragraph (e), insert—
    - “or
  - (f) under sections 31 to 33 of the Care Act 2014 (direct payments).”.

### **Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012**

37. In regulation 4(2) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (exceptions-access and facilities for disabled persons)(44)—

- (a) in sub-paragraph (a), omit “or”;
- (b) at the end of sub-paragraph (b), insert—
  - “or
- (c) a person who is aged 18 or over and has a disability within the meaning given by section 6 of the Equality Act 2010 (disability).”.

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(44) S.I. 2012/2920.

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### **National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012**

**38.**—(1) The National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012 (**45**) are amended as follows.

(2) In regulation 21 (duty of relevant bodies: assessment and provision of NHS Continuing Healthcare)—

- (a) in paragraph (3)(b), for “section 2(2) of the Community Care (Delayed Discharges etc.) Act 2003 (notice of patient’s likely need for community care services)”, substitute “paragraph 1(1) of Schedule 3 to the Care Act 2014 (cases where hospital patient is likely to have care and support needs after discharge)”;
- (b) in paragraph (13), in the definition of “multi-disciplinary team”, for “section 47 of the National Health Service and Community Care Act 1990”, substitute “section 9 of the Care Act 2014 (assessment of an adult’s needs for care and support)”.

(3) In regulation 22(3)(a), for “section 47 of the National Health Service and Community Care Act 1990” substitute “Part 1 of the Care Act 2014 (care and support) or section 117 of the Mental Health Act 1983 (after-care)”.

### **National Health Service and Public Health (Functions and Miscellaneous Provisions) Regulations 2013**

**39.** For paragraph 25 of the Schedule to the National Health Service and Public Health (Functions and Miscellaneous Provisions) Regulations 2013(**46**) substitute—

“**25.** Section 6(1) of the Care Act 2014 (co-operating generally);

**25A.** Section 7(1) of the Care Act 2014 (co-operating in specific cases);”.

### **Social Security (Personal Independence Payment) Regulations 2013**

**40.** In regulation 28(2) of the Social Security (Personal Independence Payment) Regulations 2013(**47**)—

- (a) in sub-paragraph (ee), omit “or”;
- (b) after sub-paragraph (ee), insert—
  - “(eea) Part 1 of the Care Act 2014 (care and support), or”.

### **Jobseeker’s Allowance Regulations 2013**

**41.** In regulation 60(2)(c) of the Jobseeker’s Allowance Regulations 2013(**48**),

- (a) in paragraph (v), omit “or”;
- (b) at the end of paragraph (vi), insert—
  - “or
  - (vii) the person concerned where the payment is for the provision of accommodation in respect of the meeting of that person’s needs under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support);”.

(45) S.I. 2012/2996. Regulation 21(3) was substituted by regulation 2013/2891.

(46) S.I. 2013/261.

(47) S.I. 2013/377. Sub-paragraph (ee) was inserted by S.I. 2013/2270.

(48) S.I. 2013/378.



### **Employment and Support Allowance Regulations 2013**

**42.** In regulation 37(7)(b) of the Employment and Support Allowance Regulations 2013 (claimant who works to be treated as not entitled to an employment and support allowance)(**49**)—

- (a) in paragraph (v), omit “or”;
- (b) at the end of paragraph (vi), insert—

“or

- (vii) the person concerned where the payment is for the provision of accommodation in respect of the meeting of that person’s needs under section 18 or 19 of the Care Act 2014 (duty and power to meet needs for care and support).”.

### **Criminal Legal Aid (Financial Resources) Regulations 2013**

**43.** In the Criminal Legal Aid (Financial Resources) Regulations 2013(**50**), in regulations 11(3) (f) (disposable income: deductions), 20(2)(e) (assessment of resources) and 33(2)(e) (assessment of resources), after “any direct payments made under”, insert “sections 31 to 33 of the Care Act 2014 (direct payments) or under”.

### **Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013**

**44.**—(1) The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013(**51**) are amended as follows.

(2) In regulation 24(1)(g) (payments to be disregarded from calculation of disposable income), after “any direct payments made under”, insert “sections 31 to 33 of the Care Act 2014 (direct payments) or under”.

(3) In regulation 40(b)(ii) (certain payments to be disregarded), after “1996” insert “or sections 31 to 33 of the Care Act 2014 (direct payments)”.

### **Criminal Legal Aid (Contribution Orders) Regulations 2013**

**45.** In regulation 10(2)(e) of the Criminal Legal Aid (Contribution Orders) Regulations 2013 (calculation of gross annual income)(**52**), after “any direct payments made under”, insert “sections 31 to 33 of the Care Act 2014 (direct payments) or under”.

### **Legal Aid (Information about Financial Resources) Regulations 2013**

**46.** In paragraph 23 of the Schedule to the Legal Aid (Information about Financial Resources) Regulations 2013(**53**) (prescribed benefits), after “any direct payment payable under” insert “sections 31 to 33 of the Care Act 2014 (direct payments) or under”.

### **Teachers’ Pensions Scheme Regulations 2014**

**47.** In paragraph 19(c) of Schedule 1 to the Teachers’ Pension Scheme Regulations 2014(**54**), for “paragraph 2 of Schedule 20 to NHSA 2006” substitute “Part 1 of the Care Act 2014 (care and support)”.

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(49) S.I. 2013/379.

(50) S.I. 2013/471.

(51) S.I. 2013/480; there are amendments to regulation 24 which are not relevant to this instrument.

(52) S.I. 2013/483.

(53) S.I. 2013/628.

(54) S.I. 2014/512.

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## **Health and Social Care Act 2008 (Regulated Activities) Regulations 2014**

48. In paragraph 10(2)(c) of Schedule 1 to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014(55) (maternity and midwifery services), for “pursuant to section 254 of, and Schedule 20 to, the 2006 Act (local social services authorities)” substitute “under Part 1 of the Care Act 2014 (care and support)”.

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### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order is made under provisions in the Care Act 2014 (“the Care Act”).

The Care Act makes provision in respect of the provision of care and support for adults, and support for carers, in England. This Order amends (subject to certain savings for transitional purposes) secondary legislation that currently underpins the provision of care and support for adults and carer support in England (“the current social care legislation”). The current social care legislation applies in relation to both England and Wales. The amendments made in this Order mean that the current social care legislation will no longer apply in relation to England but will, however, continue to apply in relation to Wales.

The Order also makes consequential and incidental amendments to other legislative provisions which refer, for various purposes, to the current social care legislation. These amendments make, in respect of England, provision which reflects the new provisions relating to care and support for adults, and support for carers.

Article 2 and the Schedule to the Order make the amendments referred to above.

Article 3 revokes legislative provisions which relate to social care provision in England but that, in light of the provisions under the Care Act 2014, are no longer required.

Article 4 contains savings.