
STATUTORY INSTRUMENTS

2015 No. 914

**The Care Act 2014 and Children and Families Act
2014 (Consequential Amendments) Order 2015**

Savings and transitional provision

3.—(1) Despite the amendments made by this Order, on or after the date on which this Order comes into force—

- (a) support or services may continue to be provided, and
- (b) payments towards the cost of support or services may continue to be made,

in the case of 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.

(2) Paragraph (1) applies until—

- (a) Part 1 of the Care Act 2014 applies in relation to the provision of support or services, or the making of payments towards the cost of support or services, in that person's case by virtue of provision made for transitional purposes under a power conferred by that Act, or
- (b) if earlier, 31st March 2016.

(3) Despite the amendments 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, before or (in accordance with paragraph (1)) on or after the date on which this Order comes into force, and
- (b) anything done under such provision,

continue to have effect for the purposes of that support or those services or payments, subject to paragraph (6).

(4) The references in paragraph (3) to support or services provided, or payments made, before the date on which this Order comes into force include support or services that are not provided but are or may be required or permitted to be provided, or payments that are not made but are or may be required or permitted to be made, before that date.

(5) The provision referred to in paragraph (3) includes in particular provision about—

- (a) costs and other amounts payable and their recovery;
- (b) civil legal services (within the meaning of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012⁽¹⁾);
- (c) offences.

(6) Paragraph (3) does not authorise a local authority to do any of the following on or after the date on which this Order comes into force—

- (a) create a charge under section 22(1) of the Health and Social Services and Social Security Adjudications Act 1983⁽²⁾;

(1) 2012 c. 10.
(2) 1983 c. 41.

- (b) make an order under section 23(1) of that Act;
- (c) enter into a deferred payment agreement under section 55(1) of the Health and Social Care Act 2001⁽³⁾.

(7) Where under this Order an enactment ceases to have effect for a purpose for which a local authority holds land immediately before the Order comes into force, the land is to be treated as appropriated for whatever purposes of Part 1 of the Care Act 2014 the authority may designate.

(8) Where under this Order an enactment ceases to have effect for a purpose for which a local authority has a right to use land immediately before the Order comes into force—

- (a) the authority continues to have that right to use the land for whatever purposes of Part 1 of the Care Act 2014 the authority may designate, but
- (b) that does not affect the circumstances (other than the enactment ceasing to have effect) in which the right ceases.

(9) This article is without prejudice to section 16 of the Interpretation Act 1978⁽⁴⁾ (general savings).

(10) In this article “local authority” has the meaning given by section 1(4) of the Care Act 2014.

⁽³⁾ 2001 c. 15.
⁽⁴⁾ 1978 c. 30.