

SCHEDULE

Amendments in consequence of provisions of the Care Act 2014 and the Children and Families Act 2014

Chronically Sick and Disabled Persons Act 1970 (c. 44)

21.—(1) Section 2 (provision of welfare services) is amended as follows.

(2) Omit subsection (1A)(1).

(3) At the end insert—

“(3) Subsections (4) to (6) apply to local authorities in England.

(4) Where a local authority have functions under Part 3 of the Children Act 1989 in relation to a disabled child and the child is ordinarily resident in their area, they must, in exercise of those functions, make any arrangements within subsection (6) that they are satisfied it is necessary for them to make in order to meet the needs of the child.

(5) Subsection (4) is subject to sections 7(1) and 7A of the Local Authority Social Services Act 1970 (exercise of social services functions subject to guidance or directions of the Secretary of State).

(6) The arrangements mentioned in subsection (4) are arrangements for any of the following—

- (a) the provision of practical assistance for the child in the child’s home;
- (b) the provision of wireless, television, library or similar recreational facilities for the child, or assistance to the child in obtaining them;
- (c) the provision for the child of lectures, games, outings or other recreational facilities outside the home or assistance to the child in taking advantage of available educational facilities;
- (d) the provision for the child of facilities for, or assistance in, travelling to and from home for the purpose of participating in any services provided under arrangements made by the authority under Part 3 of the Children Act 1989 or, with the approval of the authority, in any services, provided otherwise than under arrangements under that Part, which are similar to services which could be provided under such arrangements;
- (e) the provision of assistance for the child in arranging for the carrying out of any works of adaptation in the child’s home or the provision of any additional facilities designed to secure greater safety, comfort or convenience for the child;
- (f) facilitating the taking of holidays by the child, whether at holiday homes or otherwise and whether provided under arrangements made by the authority or otherwise;
- (g) the provision of meals for the child whether at home or elsewhere;
- (h) the provision of a telephone for the child, or of special equipment necessary for the child to use one, or assistance to the child in obtaining any of those things.

(7) Any question arising under this section as to a person’s ordinary residence in an area in England or Wales is to be determined by the Secretary of State or by the Welsh Ministers.

(8) The Secretary of State and the Welsh Ministers must make and publish arrangements for determining which cases are to be dealt with by the Secretary of State and which are to be dealt with by the Welsh Ministers.

(1) Section 2(1A) was inserted by the Health and Social Care Act 2008 (c. 14), section 148(3).

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

(9) Those arrangements may include provision for the Secretary of State and the Welsh Ministers to agree, in relation to any question that has arisen, which of them is to deal with the case.”