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## EXPLANATORY NOTE

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

This Order brings into force certain provisions of the Care Act 2014 (c.23) (“the Act”). It is the fourth such Order to be made under the Act. This Order also contains transitory provisions in connection with commencement of certain provisions of the Act.

Article 2 brings into force the following provisions of the Act on 1st April 2015 insofar as they are not already in force—

- (a) sections 1 to 7 which relate to general responsibilities of local authorities;
- (b) section 8 which relates to how to meet needs under sections 18 to 20;
- (c) sections 9 to 13 which relate to assessing needs;
- (d) section 14(1) and (3) to (8) which concerns a local authority’s power to charge for meeting needs;
- (e) section 17 (apart from subsection (2)) which relates to assessment of financial resources;
- (f) sections 19 to 23 which relate to local authorities’ duties and powers to meet needs;
- (g) sections 24(1) and (2), 25, 26(1), (3) and (4), 27 and 30 which relate to steps for local authorities to take after assessments of needs;
- (h) sections 31 to 33 which relate to direct payments;
- (i) sections 34 and 35 which relate to deferred payment agreements;
- (j) section 37(1), (3), (4), (5) (apart from subsection (5)(b), (c) and (d)) and (6) to (15) which relates to continuity of care and support when adults move;
- (k) section 38 (apart from subsection (1)(b)) which relates to cases where needs assessments have yet to be carried out or other steps have yet to be taken by a local authority on the day of an adult’s intended move to that authority’s area;
- (l) section 39(1) to (7) which relates to a person’s ordinary residence;
- (m) in Schedule 1—
  - (i) paragraphs 1, 2(1), (9) and (10), 3 to 8, 11, 12 and 14(1), (2) and (5) to (7) which relate to cross-border residential placements;
  - (ii) insofar as it relates to paragraph 2(1) of Schedule 1, paragraph 14(3) which makes transitory provision;
- (n) insofar as it relates to the provisions referred to in paragraph (m), section 39(8) which relates to Schedule 1;
- (o) sections 40 and 41 which relate to the establishing of where a person lives;
- (p) sections 42 to 47 and Schedule 2 which relate to safeguarding adults at risk of abuse or neglect by reason of their care and support needs;
- (q) sections 48, 49 and 51 and, insofar as it relates to those sections, section 52 (apart from subsection (14)), which relate to provider failure;
- (r) sections 58 to 66 which relate to transition for children to adult care and support etc.;
- (s) sections 67 and 68 which relate to independent advocacy support;
- (t) sections 69 and 70 which concern enforcement of debts;

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

- (u) section 73 which relates to the application of the Human Rights Act 1998 (c.42) to the provision of regulated care or support;
- (v) section 74 and Schedule 3 which relate to the discharge of hospital patients with care and support needs;
- (w) section 76 which relates to prisoners and persons in approved premises etc.;
- (x) section 77 which relates to registers of sight-impaired adults, disabled adults, etc.;
- (y) section 78 which relates to guidance;
- (z) section 79 which relates to delegation of local authority functions;
- (aa) insofar as it relates to provisions commenced by this Order, section 80 which makes provision about interpretation;
- (bb) sections 82 and 83 which relate to care standards and quality of services;
- (cc) sections 92 to 94 which create new offences relating to supplying, publishing or otherwise making available false or misleading information.

Article 3 brings into force on 1st April 2015 section 18(1)(a) and (c), (2), (3), (4), (6) and (7) of the Act which relates to a local authority's duty to meet needs for care and support except insofar as it imposes any duty on a local authority to meet an adult's needs for care and support by the provision of accommodation in a care home in a case where Condition 2 in section 18(3) is met i.e. the adult's financial resources are above the financial limit but the adult nonetheless asks the local authority to meet the adult's needs.

Article 4 brings into force on 6th April 2015 sections 53 to 57 of the Act which provide for there to be a market oversight regime, where the Care Quality Commission will have oversight over certain registered care providers, and make related provision.

Article 5 makes transitory modifications to certain sections of the Act until section 15(1) of the Act (cap on care costs) comes into force. Those sections are section 18(1) (duty to meet needs for care and support) and sections 37(4)(b) and (14) and 38(1) (continuity of care and support when an adult moves).

Article 6 makes a transitory modification, pending the commencement of certain provisions of the Social Services and Well-being (Wales) Act 2014 ("the SSWWA 2014"), to section 39(4) of the Act which relates to the ordinary residence of a person provided with after-care under the Mental Health Act 1983 ("the 1983 Act").

Article 7 commences section 75 of the Act which makes amendments to the 1983 Act relating to after-care. Article 7 also makes transitory modifications to section 75 pending the commencement of certain provisions of the SSWWA 2014.

A full impact assessment has not been produced for this instrument as this Order itself has no impact on the private sector or civil society organisations. Impact Assessments carried out in relation to the Act are available from the Department of Health, Richmond House, 79 Whitehall, London, SW1A 2NS and at <https://www.gov.uk/government/publications/the-government-published-a-series-of-impact-assessments-alongside-the-care-bill>.