

Doc B: Table showing repeals and amendments to existing primary legislation as a consequence of the commencement of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”) on 6 April 2016.

Section of Act	Repeal / Amend	SSWBA 2014	Description	Comments
National Assistance Act 1948				
21 and 29	Repeal	Part 4 Sections 35 and 36	Duty to meet care and support needs of an adult; Power to meet care and support needs of an adult	
21(1A) and (1B)	Repeal	Part 4 Section 46	Exception for persons subject to immigration control	
21(8)	Repeal	Part 4 Section 48	Exception for provision of housing etc	
21(8) and 29 (6)(b)	Repeal	Part 4 Section 47	Exception for provision of health services	Section 47(1) and (2) of the 2014 Act will now apply
22	Repeal	Part 5 Sections 59 to 67	Charging for meeting needs	
24	Repeal	Part 11 Section 194	Ordinary residence	
26(1A), (1C) and (1D)	Repeal	Part 4 Section 47	Exception for provision of health services	Section 47(6) and (7) of the 2014 Act will now apply
29(4)(g)	Repeal	Part 2 Section 18	Registers of sight-impaired, hearing-impaired and other disabled people	
29(6)(a)	Repeal	Part 4 Section 49	Restrictions on provision of payments	
30A	Repeal	Part 11 Section 184	Research and provision of information	
32(1) and (2)	Repeal	Part 11 Section 193	Recovery of costs between local authorities	
32(3) to (6)	Repeal	Part 11 Section 195	Disputes about ordinary residence	
47	Repeal	Part 7 Section 129	Abolition of local authority’s power to remove persons in need of care and attention	
48	Repeal	Part 4 Section 58	Protection of property	
49	Amend	Part 11 Section 192	Amendment of National Assistance Act 1948 (in relation to expenses of council officers acting as receivers)	Section 49 of the 1948 Act will no longer apply to local authorities in Wales but will continue to apply to local authorities in England.
Disabled Persons (Employment) Act 1958				
3	Amend	Part 4 Sections 35 and 36	Duty to meet care and support needs of an adult; Power to meet care and support needs of an adult	Section 3 of the 1958 Act will no longer apply in relation to Wales but will continue to apply in relation to England.
Health Services and Public Health Act 1968				

45	Repeal	Part 4 Sections 35 and 36	Duty to meet care and support needs of an adult; Power to meet care and support needs of an adult	
45(4A) and (4B)	Repeal	Part 4 Section 46	Exception for persons subject to immigration control	
Chronically Sick and Disabled Persons Act 1970				
1	Amend	Part 2 Section 17	Provision of information, advice and assistance	Section 1 of the 1970 Act will no longer apply to Wales but will continue to apply to England in relation to information about services to disabled children.
2	Amend	Part 4 Sections 35 and 36	Duty to meet care and support needs of an adult; Power to meet care and support needs of an adult	Section 2 of the 1970 Act will no longer apply to Wales but will continue to apply to England in relation to services for disabled children.
28A	Repeal	Part 4 Sections 37 to 39	Duty to meet care and support needs of a child; Power to meet care and support needs of a child; Duty to maintain family contact	
Local Authority Social Services Act 1970				
1A	Amend	Part 8 Section 143	Social Services functions of local authorities	LASSA 1970 will no longer apply to local authorities in Wales but will continue to apply to local authorities in England
6	Amend	Part 8 Section 144	Directors of Social Services	LASSA 1970 will no longer apply to local authorities in Wales but will continue to apply to local authorities in England
7 and 7A	Amend	Part 8 Sections 145 to 149	Codes	LASSA 1970 will no longer apply to local authorities in Wales but will continue to apply to local authorities in England
7D	Amend	Part 8 Sections 150 to 161	Intervention powers of central government	LASSA 1970 will no longer apply to local authorities in Wales but will continue to apply to local authorities in England.
Schedule 1	Amend	Schedule 2	Social Services functions	Schedule 1 to LASSA 1970 will no longer apply in relation to Wales but will continue to apply in relation to England
Health and Social Services and Social Security Adjudications Act 1983				
17(2A)	Repeal	Part 5 Sections 59 to 67	Charging for meeting needs	

21, 22 and 24	Amend	Part 5 Sections 70 to 72	Recovery of charges, interest etc; Creation of a charge over an interest in land; Transfer of assets to avoid charges	Preserved for transitional arrangements to enable the recovery of charges in respect of services provided prior to the commencement of the 2014 Act
Disabled Persons (Services, Consultation and Representation) Act 1986				
3 and 8	Amend	Part 3 Sections 24 to 27	Assessing needs of carers	Sections 3 and 8 of the 1986 Act will still apply in Scotland
4	Amend	Part 3 Sections 24 to 27	Assessing needs of carers	Section 4 of the 1986 Act will still apply in England in relation to disabled persons under the age of 18.
Children Act 1989				
Please note that Doc A records the table of destinations for provisions within the Children Act 1989				
National Health Service and Community Care Act 1990				
47(1)(a)	Amend	Part 3 Sections 19 and 20	Assessing needs of adults	Section 47 of the 1990 Act is amended so that it only applies to assessments for after-care services under section 117 Mental Health Act 1983.
47(1)(b)	Amend	Part 4 Sections 32 and 33	Determination of eligibility and consideration of what to do to meet needs	Section 47 of the 1990 Act is amended so that it only applies to meeting needs for after-care services under section 117 Mental Health Act 1983. Fair Access to Care Services [FACS] criteria were replaced by eligibility criteria in regulations ¹ under section 32 of the 2014 Act.
The National Assistance Act 1948 (Choice of Accommodation) Directions 1993				
All	Repeal	Part 4 Section 57	Cases where a person expresses preference for a particular accommodation	
Carers (Recognition and Services) Act 1995				
1	Amend	Part 3 Sections 24 to 27	Assessing the needs of carers	Section 1 of the 1995 Act will still apply in England for certain purposes.
Carers and Disabled Children Act 2000				
1	Repeal	Part 1 Sections 2 to 4	The meaning of carer	

¹The Care and Support (Eligibility) (Wales) Regulations 2015
<http://www.legislation.gov.uk/wsi/2015/1578/made>

1, 4, 6 and 6A	Repeal	Part 3 Sections 24 to 27	Assessing the needs of carers	
2	Repeal	Part 4 Sections 40 to 45	Meeting carers needs	
Health and Social Care Act 2001				
49	Repeal	Part 4 Section 47	Exception – provision of health services	Section 47(4) and (5) of the 2014 Act will now apply. NB Prohibition in relation to after care services under section 117 Mental Health Act 1983 is preserved by insertion of section 117B.
54	Repeal	Part 4 Section 57	Cases where a person expresses preference for a particular accommodation	
55	Amend	Part 5 Section 68	Deferred payment agreements	Preserved for transitional arrangements to enable deferred payment agreements made before the commencement of the 2014 Act to continue to apply in relation to services provided under the 2014 Act
57	Amend	Part 4 Sections 50 to 53	Direct payments	Section 57 of the 2001 Act will no longer apply to local authorities in Wales but will continue to apply to local authorities in England in relation to direct payments for persons under the age of 18 who are eligible for after care services under section 117 of the Mental Health Act 1983.
Adoption and Children Act 2002				
3A	Amend	Part 9 Section 170	Adoption service – joint arrangements	Section 170 of the 2014 Act inserts section 3A into the 2002 Act (commenced on 1 November 2014)
Health and Social Care (Community Health and Standards) Act 2003				
114(3) and (4)	Repeal	Part 10 Sections 171 to 178	Complaints and representations about social services	Regulations made under section 114 of the 2003 Act are treated as having been made under section 171 of the 2014 Act and will continue to apply.
Community Care (Delayed Discharges etc) Act 2003				
16	Repeal	Part 5 Section 62	Regulations disapplying a power to impose a charge	Regulations under section 62 could require a local authority to meet needs under sections 35 to 45 free of charge. NB Section 16 of the 2003

				Act was not commenced .
Carers (Equal Opportunities) Act 2004				
1 and 2	Repeal	Part 3 Sections 24 to 27	Assessing needs of carers	
3	Repeal	Part 9 Sections 162 and 163	Arrangements to promote co-operation	
Children Act 2004				
25	Amend	Part 9 Section 163	Arrangements to promote co-operation - children	
31 to 34	Repeal	Part 7 Sections 134 to 142	Local Safeguarding Children Boards	
50A	Amend	Part 8 Sections 150 to 161	Intervention powers of central government	Section 50A of the 2004 Act no longer applies in relation to a local authority's social services functions but the provision continues to apply in relation to specified education functions.
National Health Service (Wales) Act 2006				
192 and Schedule 15	Repeal	Part 4 Sections 35 and 36	Duty to meet care and support needs of an adult; Power to meet care and support needs of an adult	
Personal Care at Home Act 2010				
All	Repeal	Part 5 Section 62	Regulations disapplying a power to impose a charge	Regulations under section 62 could require a local authority to meet needs under sections 35 to 45 free of charge. NB The 2010 Act was not commenced .
Carers Strategies (Wales) Measure 2010				
All	Repeal	Part 2 Section 14	Population Assessments	Section 14 of the 2014 Act includes a duty to assess the needs of carers and amends section 40 NHS(W)A 2006 so that there is a duty to take this assessment into account in formulation or review of health and well-being strategy.
Social Care Charges (Wales) Measure 2010				
All	Repeal	Part 5 Sections 59 to 67 and 73	Charging for meeting needs	

Children and Families (Wales) Measure 2010				
Part 3	Repeal	Part 9 Sections 166 to 169	Partnership Arrangements	Provision for Integrated Family Support Services is now contained in regulations made under section 166 of the 2014 Act

Further notes

Part 10, sections 179 to 180 of the 2014 Act contain provisions equivalent to those within Part 3A of the Local Government Act 1974 which deal with complaints about private social care.

Part 11, sections 189 to 191 of the 2014 Act relate to sections 50 to 52 of the Care Act 2014 (temporary duty on Welsh local authorities) which apply in relation to people who are receiving services in Wales which are provided by an authority in England, Scotland or Northern Ireland.

Schedule 1A of the 2014 Act is inserted by section 75 of the Care Act 2014 to make provision for Direct Payments in relation to After Care under the Mental Health Act 1983.