

2011 No. 1666 (W. 190)

SOCIAL CARE, WALES

**The Social Care Charges
(Miscellaneous Amendments)
(Wales) Regulations 2011**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 1 of the Social Care Charges (Wales) Measure 2010 (“the Measure”) gives local authorities in Wales a discretionary power to impose a reasonable charge upon the adult recipients of non-residential social care services where those services are provided or secured by a local authority (“service users”). Local authorities are not required to impose a charge for such services, but where a charge is imposed the Measure requires a local authority to comply with the relevant provisions of Regulations made by the Welsh Ministers under it (and also under any Regulations made under section 16 of the Community Care (Delayed Discharges etc) Act 2003).

The Welsh Ministers have made Regulations under the Measure—

- the Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011 (S.I. 2011/962 (W.136)) (“the Charges Regulations”); and
- the Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011 (S.I. 2011/963 (W.137)) (“the Social Care Direct Payments Regulations”).

The Social Care Direct Payments Regulations are made under section 12 of the Measure (which gives the Welsh Ministers a power to make provision which corresponds to the provision made for service users (in the Measure and in the Charges Regulations) for the adult recipients of direct payments who receive payments from a local authority to secure the provision of non-residential social care services for themselves

(in accordance with the Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2011 (S.I. 2011/831 (W.125)).

The Social Care Direct Payments Regulations do not require a local authority to seek from an adult who receives a direct payment any reimbursement or contribution towards the cost of securing the service in respect of which the direct payment is paid. Where any reimbursement or contribution is sought by a local authority, it is required to comply with the relevant provisions of the Social Care Direct Payments Regulations (and with any Regulations made by the Welsh Ministers under section 16 of the Community Care (Delayed Discharges etc) Act 2003).

Regulation 2 of these Regulations makes amendments to correct minor drafting and typographical errors in the Charges Regulations.

Regulation 3 of these Regulations makes amendments to correct minor drafting and typographical errors in the Social Care Direct Payments Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As they only correct minor drafting and typographical errors in the existing Regulations it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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(Miscellaneous Amendments)
(Wales) Regulations 2011**

Made 6 July 2011

Laid before the National Assembly for Wales
8 July 2011

Coming into force 2 August 2011

The Welsh Ministers, in exercise of the powers conferred by sections 2(2), 3(1), 4(3) and (4), 5(2), 7(2), 10(4)(f), 12 and 17(2) of the Social Care Charges (Wales) Measure 2010(1), make the following Regulations:

Title, commencement, interpretation and application

1.—(1) The title of these Regulations is the Social Care Charges (Miscellaneous Amendments) (Wales) Regulations 2011 and they come into force on 2 August 2011.

(2) In these Regulations—

“the Charges Regulations” (“*y Rheoliadau Ffioedd*”) means the Social Care Charges (Means Assessment and Determination of Charges) (Wales) Regulations 2011(2); and

“the Social Care Direct Payments Regulations” (“*y Rheoliadau Taliadau Uniongyrchol Gofal Cymdeithasol*”) means the Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011(3).

(3) These Regulations apply in relation to Wales.

(1) 2010 nawm 2 (“the Measure”). See section 17 of the Measure for the definition of “regulations”.

(2) S.I. 2011/962 (W.136).

(3) S.I. 2011/963 (W.137).

Amendment of the Charges Regulations

2.—(1) The Charges Regulations are amended in accordance with the following paragraphs of this regulation.

(2) In regulation 2 (interpretation)—

- (a) in paragraphs (a) and (b) of the definition of “basic entitlement” (*“hawlogaeth sylfaenol”*), in the English text, for “is it” substitute “it is”;
- (b) in the definition of “in writing” (*“mewn ysgrifan”*), in the Welsh text, for “eiriau a ffigurau” substitute “eiriau neu ffigurau”.

(3) In paragraph (1)(a) of regulation 4 (service users upon whom and services in respect of which a charge must not be imposed), for “Creuzfeldt Jacob” substitute “Creuzfeldt-Jakob”.

(4) In regulation 7 (invitation to request a means assessment), in the Welsh text—

- (a) in paragraph (1)(b), for “gan” substitute “y mae’n rhaid iddo”;
- (b) in paragraph (1)(b)(iv), insert “am wasanaethau” between “rhesymol” and “y caniateir”;
- (c) in paragraph (1)(g), for “ag ef” substitute “â hwy”.

Amendment of the Social Care Direct Payments Regulations

3.—(1) The Social Care Direct Payments Regulations are amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation)—

- (a) in paragraphs (a) and (b) of the definition of “basic entitlement” (*“hawlogaeth sylfaenol”*), in the English text, for “is it” substitute “it is”;
- (b) the definition of “home visiting facility” (*“cyfleuster ymweliadau cartref”*), in the Welsh text, for “chartref neu breswylfa” substitute “phreswylfa”;
- (c) in the definition of “in writing” (*“mewn ysgrifan”*), in the Welsh text, for “eiriau a ffigurau” substitute “eiriau neu ffigurau”;
- (d) in the definition of “service user” (*“defnyddiwr gwasanaeth”*), in the Welsh text, after “ddarperir” insert “neu a sicheir”.

(3) In paragraph (1)(a) of regulation 4 (persons and services in respect of which reimbursement or contribution must not be required), for “Creuzfeldt Jacob” substitute “Creuzfeldt-Jakob”.

(4) In regulation 7 (invitation to request a means assessment), in the Welsh text—

- (a) in paragraph (4)(b), for “gan” substitute “ y mae’n rhaid iddo”;
- (b) in paragraph (4)(d), for “is-baragraff (dd)” substitute “is-baragraff (ch)”;
- (c) in paragraph (4)(ff), for “ag ef” substitute “â hwy”.

Gwenda Thomas

Deputy Minister for Children and Social Services
under authority of the Minister for Health and Social
Services, one of the Welsh Ministers

6 July 2011