

2015 No. 1499 (W. 171)

SOCIAL CARE, WALES

**The Care and Support (Ordinary
Residence) (Specified
Accommodation) (Wales)
Regulations 2015**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 194 of the Social Services and Well-being (Wales) Act 2014 (“the Act”) makes provision for establishing a person’s ordinary residence. Section 194(1) makes provision about an adult’s ordinary residence in a case where an adult is living in accommodation of a specified type.

Where an adult has needs for care and support which can be met only by living in accommodation of a specified type and is living in accommodation of a specified type in Wales, the adult is to be treated (by virtue of section 194(1) of the Act) as ordinarily resident in the area in which the adult was ordinarily resident immediately before the adult began to live in the specified type of accommodation. If the adult was of no settled residence immediately before beginning to live in a specified type of accommodation, the adult is treated as ordinarily resident in the area in which the adult was present at the time.

These Regulations provide that care home accommodation is accommodation of a specified type for the purposes of section 194(1) of the Act.

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Made 7 July 2015

Laid before the National Assembly for Wales
10 July 2015

Coming into force 6 April 2016

The Welsh Ministers, in exercise of the powers conferred by section 194(1) of the Social Services and Well-being (Wales) Act 2014(1), make the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Care and Support (Ordinary Residence) (Specified Accommodation) (Wales) Regulations 2015.

(2) These Regulations come into force on 6 April 2016 and apply to Wales.

(3) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Social Services and Well-being (Wales) Act 2014;

“care home accommodation” (“*llety cartref gofal*”) means accommodation in a care home within the meaning given by section 3 of the Care Standards Act 2000(2).

(1) 2014 anaw. 4.

(2) 2000 c. 14; section 3 was amended by the Health and Social Care Act 2008 (c. 14), section 95 and paragraph 4 of Schedule 5.

Specified types of accommodation

2.—(1) For the purposes of section 194(1) of the Act (ordinary residence), care home accommodation is accommodation of a specified type.

Mark Drakeford

Minister for Health and Social Services, one of the
Welsh Ministers

7 July 2015