



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 11

MISCELLANEOUS AND GENERAL

Miscellaneous

190 Provider failure: exception to temporary duty

- (1) A local authority is not required to meet needs which were, immediately before the [^{F1}service provider became unable to provide the regulated service], being met—
- (a) under arrangements made by a local authority in England under Part 1 of the Care Act 2014;
 - (b) under arrangements made by a local authority in Scotland discharging its duty under section 12 or 13A of the Social Work (Scotland) Act 1968 or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
 - (c) under arrangements made by a Health and Social Care trust under Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)) or section 2 of the Carers and Direct Payments Act (Northern Ireland) 2002;
 - (d) by the provision of accommodation or services all or part of the cost of which was paid for by direct payments made—
 - ^{F2}(i)
 - ^{F3}(ia) by virtue of sections 31 to 33 of the Care Act 2014,]
 - (ii) as a result of the choice made by the adult pursuant to section 5 of the Social Care (Self-directed Support) (Scotland) Act 2013, or
 - (iii) by virtue of section 8 of the Carers and Direct Payments Act (Northern Ireland) 2002.

Changes to legislation: *Social Services and Well-being (Wales) Act 2014, Section 190 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) Pending the commencement of Part 1 of the Care Act 2014, subsection (1)(a) is to be read as if there were substituted for it—

“(a) under arrangements made by or by means of services provided by a local authority in England under—

- (i) Part 3 of the National Assistance Act 1948,
- (ii) section 45 of the Health Services and Public Health Act 1968,
- (iii) section 117 of the Mental Health Act 1983,
- (iv) Schedule 20 to the National Health Service Act 2006, or
- (v) section 2 of the Carers and Disabled Children Act 2000;”

(3) Pending the commencement of section 5 of the Social Care (Self-directed Support) (Scotland) Act 2013, subsection (1)(d)(ii) is to be read as if there were substituted for it—

“(ii) under section 12B of the Social Work (Scotland) Act 1968, or”.

Textual Amendments

- F1** Words in s. 190(1) substituted (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), **Sch. 3 para. 34**; S.I. 2017/1326, art. 2(3)(h), Sch. (with arts. 6, 8)
- F2** S. 190(1)(d)(i) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **314**
- F3** S. 190(1)(d)(ia) inserted (1.4.2015) by [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\)](#), art. 1(2), **Sch. para. 98** (with arts. 1(3), 3)

Commencement Information

- I1** S. 190 in force at 6.4.2016 by [S.I. 2016/412](#), **art. 2** (with art. 4, Schs. 1, 2)

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 162(4)(ga) inserted by [2022 asc 1 Sch. 4 para. 30\(2\)\(b\)](#)
- s. 163(4A) inserted by [2014 c. 23 s. 75\(10\)](#) (Effect inserting (4) not applied at s. 163 as it appears to relate to s. 194 in view of the title of the section as cited i.e. "ordinary residence". In s. 194 another (4), identically worded, is inserted on the same date by S.I. 2016/413, regs. 2(1), 316(a))