



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 11

MISCELLANEOUS AND GENERAL

Miscellaneous

191 Provider failure: supplementary

- (1) A local authority becomes subject to the duty under section 189(2) as soon as it becomes aware of the business failure.
- (2) Section 34 (how to meet needs) and sections 46 to 49 (meeting needs: exceptions and restrictions) apply to meeting needs under section 189 as they apply to meeting needs under sections 35 to 45.
- (3) Regulations may make provision about the persons whom the local authority must involve in connection with meeting needs under section 189(2).
- (4) Where a person whose needs are being met by a local authority under section 189(2) is also being provided with continuing NHS care under arrangements made by a Local Health Board no part of whose area is in the local authority's area, the Local Health Board is to be treated as a relevant partner of the authority for the purposes of sections 162 and 164.
- (5) In subsection (4) "continuing NHS care" means services or facilities provided by virtue of sections 3(1)(e) and 12 of the National Health Service (Wales) Act 2006.
- (6) Where a local authority considers it necessary to do so for the purpose of carrying out its duty under section 189(2), it may request the registered person, or such other person involved in the establishment or agency's business as it considers appropriate, to provide it with information.

Status: This is the original version (as it was originally enacted).

- (7) Regulations must make provision for the purposes of section 189 and this section as to the interpretation of references to business failure or to being unable to do something because of business failure; and the regulations may, in particular, specify circumstances in which a person is to be treated as unable to carry on or manage an establishment or agency because of business failure.