



Welfare Reform Act 2009

2009 CHAPTER 24

PART 2

DISABLED PEOPLE: RIGHT TO CONTROL PROVISION OF SERVICES

Supplementary

48 Power to repeal exclusion of community care services

- (1) An order under this subsection may repeal section 39(6)(a).
- (2) The power to make an order under subsection (1) is exercisable—
 - (a) in relation to England, by the Secretary of State with the consent of the Treasury, and
 - (b) in relation to Wales, by the Welsh Ministers.
- (3) The power of the Secretary of State to make an order under subsection (1) is exercisable only if—
 - (a) the Secretary of State has previously made a pilot scheme that relates to community care services, and has in accordance with section 44(8) published a report on the operation of the pilot scheme, or
 - (b) the Secretary of State has previously given directions under a relevant enactment with a view to enabling disabled people to exercise (either in England generally or in a specified area or areas) greater choice in relation to, and greater control over, the way in which community care services are provided to or for them.
- (4) In subsection (3)—
 - (a) “pilot scheme” has the meaning given by section 44(3);
 - (b) “relevant enactment” means—
 - (i) section 7A of the Local Authority Social Services Act 1970 (directions by Secretary of State as to exercise of social services functions), or

Changes to legislation: Welfare Reform Act 2009, Section 48 is up to date with all changes known to be in force on or before 09 May 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

- (ii) section 47(4) of the National Health Service and Community Care Act 1990 (directions by Secretary of State in relation to assessment of needs for community care services).
- (5) The Scottish Ministers may by order repeal section 39(7)(a).
- (6) An order under subsection (1) or (5) may make any consequential modification of section 39(5) or 44(4).
- (7) The power to make an order under subsection (1) or (5) is exercisable by statutory instrument.

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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):

- Sch. 4 para. 9(3)(b) repealed by [2009 c. 24 Sch. 7 Pt. 1](#)