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STATUTORY INSTRUMENTS

2009 No. 580 (C. 40)

SOCIAL CARE, ENGLAND

**The Health and Social Care Act 2008 (Commencement No.9,
Consequential Amendments and Transitory, Transitional and
Saving Provisions) Amendment Order 2009**

<i>Made</i>	- - - -	<i>10th March 2009</i>
<i>Laid before Parliament</i>		<i>11th March 2009</i>
<i>Coming into force</i>	- -	<i>1st April 2009</i>

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 161(3) and 167(1) and (3) of the Health and Social Care Act 2008(a).

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Health and Social Care Act 2008 (Commencement No.9, Consequential Amendments and Transitory, Transitional and Saving Provisions) Amendment Order 2009 and shall come into force on 1st April 2009.

(2) This Order extends to England and Wales.

(3) In this Order, “the Order” means the Health and Social Care Act 2008 (Commencement No.9, Consequential Amendments and Transitory, Transitional and Saving Provisions) Order 2009(b).

Amendment of the Order

2.—(1) The Order is amended in accordance with this article.

(2) In article 1 (citation, commencement, extent, application and interpretation) insert at the end of paragraph (4) “except that the amendment made by paragraph 2 of Schedule 5 applies in relation to England only”.

(3) In Schedule 5 (minor and consequential amendments), for paragraph 2 substitute—

“2. In Schedule 4 to the National Assistance (Assessment of Resources) Regulations 1992(c) (capital to be disregarded)—

(a) in paragraph 2(2) for “whom the resident is liable to maintain by virtue of section 42(1) of the National Assistance Act 1948 (liability to maintain wife or husband and children)” substitute “of the resident”; and

(a) 2008 c.14. See section 171(2) of that Act for the definition of “appropriate authority”.
(b) S.I. 2009/462 (C.31).
(c) S.I. 1992/2977; relevant amending instrument is S.I. 1993/964.

(b) after sub-paragraph (2) insert—

“(3) In this paragraph a reference to a child shall be construed in accordance with section 1 of the Family Law Reform Act 1987(a).”.”.

Signed by authority of the Secretary of State for Health.

10th March 2009

Ben Bradshaw
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Health and Social Care Act 2008 (Commencement No.9, Consequential Amendments and Transitory, Transitional and Saving Provisions) Order 2009 (“the Order”) to amend an error in—

- (a) article 1 of the Order as regards the application of minor and consequential amendments made to the National Assistance (Assessment of Resources) Regulations 1992 by paragraph 2 of Schedule 5 to the Order (which should apply to England only); and
- (b) the wording of the amendment to those Regulations in paragraph 2 of Schedule 5 to the Order.

(a) 1987 c.42. Section 1 was amended by paragraph 24 of Schedule 6 to the Human Fertilisation and Embryology Act 2008 (c.22) and by paragraph 51 of Schedule 3 to the Adoption and Children Act 2002 (c.38).

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