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WELSH STATUTORY INSTRUMENTS

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**2016 No. 413**

**The Social Services and Well-being (Wales) Act  
2014 (Consequential Amendments) Regulations 2016**

*Children Act 1989 (c. 41)*

- 55.** The Children Act 1989(1) is amended as follows.
- 56.** In subsection (11) of section 14F(2) (special guardianship support services)—
- (a) after “local authority” in the first place it occurs insert “in England”;
  - (b) at the end of the subsection insert “and see sections 164 and 164A of the Social Services and Well-being (Wales) Act 2014 for provision about co-operation between local authorities in Wales and other bodies.”
- 57.—**(1) After the heading in Part 3 insert—

*“Application to local authorities in England*

**Application to local authorities in England**

- 16B.—**(1) This Part applies in relation to local authorities in England.
- (2) Accordingly, unless the contrary intention appears, a reference in this Part to a local authority means a local authority in England.”
- (2) For the heading to Part 3 substitute—

*“SUPPORT FOR CHILDREN AND FAMILIES  
PROVIDED BY LOCAL AUTHORITIES IN ENGLAND”.*

- 58.** In section 17 (provision of services for children in need, their families and others)—
- (a) in subsection (4)(3) for “appropriate national authority” substitute “Secretary of State”;
  - (b) at the end of the section insert—
- “(13) The duties imposed on a local authority by virtue of this section do not apply in relation to a child in the authority’s area who is being looked after by a local authority in Wales in accordance with Part 6 of the Social Services and Well-being (Wales) Act 2014.”
- 59.** In section 17ZA(4) (young carers’ needs assessments: England)—
- (a) in subsection (1) omit “in England”;

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(1) 1989 c. 41 (“the 1989 Act”). The functions of the Secretary of State under the 1989 Act were transferred to the National Assembly for Wales by virtue of the inclusion of the 1989 Act in the Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales under the 1989 Act have been transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) Section 14F was inserted by the Adoption and Children Act 2002 (c. 38), section 115(1).

(3) Section 17(4) was inserted by the Children and Young Persons Act 2008 (c. 23), section 39, Schedule 3, paragraphs 1 and 2.

(4) Section 17ZA was inserted (and applies to local authorities in England only) by the Children and Families Act 2014 (c. 6), section 96(1).

- (b) in subsection (12) omit “in England”;
- (c) in the heading omit “: England”.
- 60.** In section 17ZD(5) (parent carers’ needs assessments: England)—
- (a) in subsection (1) omit “in England”;
- (b) in subsection (14) omit “in England”;
- (c) in the heading omit “: England”.
- 61.** In section 17ZG(1)(a)(6) (section 17 services: continued provision where EHC plan is maintained) omit “in England”.
- 62.** In section 17ZH(7) (section 17 services: transition for children to adult care and support)—
- (a) in subsection (1) omit “in England”;
- (b) in subsection (5) omit “in England”.
- 63.** In section 17ZI(1) (section 17 services: provision after EHC plan no longer maintained) omit “in England”.
- 64.** In section 17A(1)(8) (direct payments) for “appropriate national authority” substitute “Secretary of State”.
- 65.** Omit section 17B(9) (vouchers for persons with parental responsibility for disabled children).
- 66.** In section 18(10) (day care for pre-school and other children)—
- (a) omit subsection (2);
- (b) omit subsection (6).
- 67.** In section 20 (provision of accommodation for children: general)—
- (a) in subsection (2)(b) after “prescribed” insert “in regulations made by the Secretary of State”;
- (b) after subsection (2) insert—
- “(2A) Where a local authority in Wales provide accommodation under section 76(1) of the Social Services and Well-being (Wales) Act 2014 (accommodation for children without parents or who are lost or abandoned etc.) for a child who is ordinarily resident in the area of a local authority in England, that local authority in England may take over the provision of accommodation for the child within—
- (a) three months of being notified in writing that the child is being provided with accommodation; or
- (b) such other longer period as may be prescribed in regulations made by the Secretary of State.”

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(5) Section 17ZD was inserted (and applies to local authorities in England only) by the Children and Families Act 2014, section 97(1).

(6) Section 17ZG was inserted by the Children and Families Act 2014, section 50.

(7) Sections 17ZH and 17ZI were inserted by the Care Act 2014 (c. 23), section 66(1).

(8) Section 17A was substituted by the Health and Social Care Act 2001 (c. 15), section 58; subsection (1) was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 3. There are other amendments to section 17A which are not relevant.

(9) Section 17B was inserted by the Carers and Disabled Children Act 2000 (c.16), section 7(1); it was prospectively amended by the Children and Young Persons Act 2008 (c.23), Schedule 3, paragraphs 1 and 4, and by S.I. 2015/914, paragraphs 43 and 47(1) of the Schedule.

(10) Section 18 was amended by the Childcare Act 2006 (c. 21), Schedule 2, paragraph 4.

**68.** In section 21(3)(**11**) (provision of accommodation for children in police protection or detention or on remand, etc.)—

- (a) after “local authority” in the first place it occurs insert “or by a local authority in Wales”;
- (b) after “local authority” in the second place it occurs insert “, or local authority in Wales,”.

**69.** In section 22 (general duty of local authority in relation to children looked after by them)—

- (a) in subsection (1)(**12**) for “In this Act” substitute “In this section”;
- (b) in subsection (3B)(**13**) omit “in England”;
- (c) in subsection (3C) omit “in England”;
- (d) in subsection (7)(**14**)—
  - (i) for “appropriate national authority”, in both places that it appears, substitute “Secretary of State”, and
  - (ii) for “the local authority” substitute “the authority”.

**70.** In section 22C(**15**) (ways in which looked after children are to be accommodated and maintained)—

- (a) in subsection (9A)(**16**) omit “are a local authority in England and”;
- (b) in subsection (11) for “appropriate national authority” substitute “Secretary of State”;
- (c) for subsection (12) substitute—

“(12) For the meaning of “local authority foster parent” see section 105(1).”

**71.** For section 22E(**17**) (children’s homes provided by appropriate national authority) substitute—

**“Children’s homes provided by Secretary of State or Welsh Ministers**

**22E.** Where a local authority place a child they are looking after in a children’s home provided, equipped and maintained by the Secretary of State or the Welsh Ministers under section 82(5), they must do so on such terms as the Secretary of State or the Welsh Ministers (as the case may be) may from time to time determine.”

**72.** In section 23ZA(3)(a)(**18**) (duty of local authority to ensure visits to, and contact with, looked after children and others) for “appropriate national authority” substitute “Secretary of State”.

**73.** In section 23ZB(**19**) (independent visitors for children looked after by a local authority)—

- (a) in subsection (1)(a) for “appropriate national authority” substitute “Secretary of State”;
- (b) in subsection (9) for “appropriate national authority” substitute “Secretary of State”.

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(11) Section 21(3) was amended by the Health and Social Care Act 2012 (c. 7), Schedule 5, paragraphs 47 and 48; by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 5; by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 36(1); by S.I. 2007/961 (W. 85), paragraph 20(1) and (2)(a) of the Schedule, and by S.I. 2000/90, Schedule 1, paragraph 24(1) and (3).

(12) Section 22(1) was amended by the Local Government Act 2000 (c. 22), Schedule 5, paragraph 19; by the Children (Leaving Care) Act 2000 (c. 35), section 2, and by the Adoption and Children Act 2002 (c. 38), section 116(2).

(13) Subsections (3B) and (3C) were inserted by the Children and Families Act 2014 (c. 6), section 99.

(14) Section 22(7) was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 6(c).

(15) Substituted, together with sections 22A, 22B, 22D to 22F, for section for 23 as originally enacted, by the Children and Young Persons Act 2008 (c. 23), section 8(1).

(16) Subsections (9A) to (9C) were inserted by the Children and Families Act 2014 (c. 6), section 2(1) and (3).

(17) Section 22E was substituted, together with sections 22A to 22D and 22F, for section 23 as originally enacted, by the Children and Young Persons Act 2008 (c. 23), section 8(1).

(18) Section 23ZA was inserted by the Children and Young Persons Act 2008 (c. 23), section 15.

(19) Section 23ZB was inserted by the Children and Young Persons Act 2008 (c. 23), section 16(1).

- 74.** In section 23A(**20**) (the responsible authority and relevant children)—
- (a) in subsection (2)(a) for “by any local authority” substitute “by any local authority in England or by any local authority in Wales”;
  - (b) in subsection (3) for “appropriate national authority” substitute “Secretary of State”;
  - (c) in subsection (5) for “appropriate national authority”, in both places that it appears, substitute “Secretary of State”.
- 75.** In section 23B(10)(**21**) (additional functions of the responsible authority in respect of relevant children) for “appropriate national authority” substitute “Secretary of State”.
- 76.** In section 23C(5B)(**22**) (continuing functions in respect of former relevant children) for “appropriate national authority” substitute “Secretary of State”.
- 77.** In section 23CZA(1)(**23**) (arrangements for certain former relevant children to continue to live with former foster parents) omit “in England”.
- 78.** In section 23CA(1)(a)(**24**) (further assistance to pursue education or training) for “appropriate national authority” substitute “Secretary of State”.
- 79.** In section 23D(**25**) (personal advisers)—
- (a) in subsection (1) for “appropriate national authority” substitute “Secretary of State”;
  - (b) in subsection (2) for “appropriate national authority” substitute “Secretary of State”.
- 80.** In section 23E(**26**) (pathway plans)—
- (a) in subsection (1) after “prescribed” insert “in regulations made by the Secretary of State”;
  - (b) in subsection (1B) for “appropriate national authority” substitute “Secretary of State”;
  - (c) in subsection (2) for “appropriate national authority” substitute “Secretary of State”.
- 81.** In section 24(**27**) (persons qualifying for advice and assistance)—
- (a) in subsection (2)(a)(**28**) at the end insert “(without subsequently being looked after by a local authority in Wales)”;
  - (b) in subsection (2)(d)(ii)(**29**) at the end insert “, or by a local authority in Wales in the exercise of education functions”;
  - (c) in subsection (5)(za)(**30**) for “appropriate national authority” substitute “Secretary of State”.

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- (**20**) Section 23A was inserted by the Children (Leaving Care) Act 2000 (c. 35), section 2(1) and (4), and has been amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 8.
- (**21**) Section 23B was inserted by the Children (Leaving Care) Act 2000 (c. 35), section 2(1) and (4), and has been amended by the Children and Young Persons Act 2008 (c. 23), section 22(1) and by Schedule 3, paragraphs 1 and 9 and Schedule 4.
- (**22**) Section 22C was inserted by the Children (Leaving Care) Act 2000 (c. 35), section 2(1) and (4); subsections (5A) to (5C) were inserted by the Children and Young Persons Act 2008 (c. 23), section 21(1) and (2).
- (**23**) Section 23CZA was inserted by the Children and Families Act 2014 (c. 6), section 98(1) and (2).
- (**24**) Section 23CA was inserted by the Children and Young Persons Act 2008 (c. 23), section 22(1) and (2).
- (**25**) Section 23D was inserted by the Children (Leaving Care) Act 2000 (c. 35), section 3, and has been amended by the Children and Young Persons Act 2008 (c. 23), section 23(1) and Schedule 3, paragraphs 1 and 10.
- (**26**) Section 23E was inserted by the Children (Leaving Care) Act 2000 (c. 35), section 3, and has been amended by the Children and Young Persons Act 2008 (c. 23), section 22 and Schedule 3, paragraphs 1 and 11, and by the Children and Families Act 2014 (c. 6), Schedule 3, paragraph 65(1) and (2).
- (**27**) Section 24 was substituted, together with sections 24A to 24C, for section 24, as originally enacted, by the Children (Leaving Care) Act 2000 (c. 35), section 4(1), and section 24(1) to (1B) was substituted for section 24(1) by the Adoption and Children Act 2002 (c. 38), Schedule 3, paragraphs 54 and 60(a).
- (**28**) Section 24(2)(a) was amended by the Adoption and Children Act 2002 (c. 38), Schedule 3, paragraphs 54 and 60(b).
- (**29**) Section 24(2)(d) was amended by the Health and Social Care Act 2012 (c. 7), Schedule 5, paragraphs 47 and 49; by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedule 4, paragraphs 75 and 76, and by S.I. 2007/961 (W. 85), paragraph 20(1) and (2)(b) of the Schedule; and by S.I. 2010/1158, Schedule 2, paragraph 37(1) and (2).
- (**30**) Paragraph (za) was inserted by the Adoption and Children Act 2002 (c. 38), Schedule 3, paragraphs 54 and 60(c).

**82.** In section 24A(**31**) (advice and assistance)—

- (a) in subsection (2)(b) after “local authority,” insert “or local authority in Wales”;
- (b) in subsection (3)(a) after “local authority” insert “(without subsequently being looked after by a local authority in Wales)”.

**83.** In section 24B(6)(**32**) (employment, education and training) for “appropriate national authority” substitute “Secretary of State”.

**84.** In section 24C(**33**) (information)—

- (a) in subsection (1) after “area of another local authority” insert “, or in the area of a local authority in Wales”;
- (b) for subsection (2)(**34**) substitute—

“(2) Where a child who is accommodated in England—

- (a) by a voluntary organisation or in a private children’s home;
- (b) by or on behalf of any Local Health Board or Special Health Authority;
- (c) by or on behalf of a clinical commissioning group or the National Health Service Commissioning Board;
- (d) by or on behalf of a local authority in the exercise of education functions;
- (e) by or on behalf of a local authority in Wales in the exercise of education functions;
- (f) in any care home or independent hospital; or
- (g) in any accommodation provided by or on behalf of a National Health Service trust or by or on behalf of an NHS Foundation Trust,

ceases to be so accommodated after reaching the age of 16, the person by whom or on whose behalf the child was accommodated or who carries on or manages the home or hospital (as the case may be) must inform the local authority or local authority in Wales within whose area the child proposes to live.”;

- (c) in subsection (3) for “paragraph (b) or (c)” substitute “any of paragraphs (b) to (g)”;
- (d) for subsection (4)(**35**) substitute—

“(4) In a case where a child was accommodated by or on behalf of a local authority, or a local authority in Wales, in the exercise of education functions, subsection (2) applies only if the authority who accommodated the child is different from the authority within whose area the child proposes to live.”

**85.** In section 24D(**36**) (representations: sections 23A to 24B)—

- (a) in subsection (1A)(**37**) for “appropriate national authority” substitute “Secretary of State”;

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(31) Section 24A was substituted, together with sections 24, 24B and 24C, for section 24, as originally enacted by the Children (Leaving Care) Act 2000 (c. 35), section 4(1), and has been amended by the Adoption and Children Act 2002 (c. 38), Schedule 3, paragraphs 54 and 61; there are other amendments which are not relevant.

(32) Section 24B was substituted, together with sections 24, 24A and 24C, for section 24, as originally enacted by the Children (Leaving Care) Act 2000 (c. 35), section 4(1), and has been amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 13.

(33) Section 24C was substituted, together with sections 24, 24A and 24B, for section 24, as originally enacted by the Children (Leaving Care) Act 2000 (c. 35), section 4(1).

(34) Section 24C(2) was amended by the Health and Social Care Act 2012 (c. 7), Schedule 5, paragraphs 47 and 50; by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedule 4, paragraphs 75 and 77, and by S.I. 2007/961 (W. 85), Schedule, paragraph 20(1) and (2)(c), and by S.I. 2010/1158, Schedule 2, paragraph 37(1) and (3)(a).

(35) Section 24C(4) was inserted by S.I. 2010/1158, Schedule 2, paragraph 37(1) and (3)(b).

(36) Section 24D was inserted by the Children (Leaving Care) Act 2000 (c. 35), section 5.

(37) Section 24D(1A) was inserted by the Adoption and Children Act 2002 (c. 38), section 117(1) and amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 14.

- (b) in subsection (2) for “appropriate national authority” substitute “Secretary of State”.
- 86.** In section 25**(38)** (use of accommodation for restricting liberty)—
- (a) in subsection (1)—
    - (i) after “local authority” insert “or local authority in Wales”;
    - (ii) after “accommodation” in the first place it occurs insert “in England”;
  - (b) in subsection (2) for “appropriate national authority” substitute “Secretary of State”;
  - (c) in subsection (2)(a)(i), (2)(a)(ii) and (2)(b) after “accommodation” in each place that it occurs, insert “in England”;
  - (d) in subsection (2)(c) after “local authorities” insert “or local authorities in Wales”;
  - (e) in subsection (7) for “appropriate national authority” substitute “Secretary of State”;
  - (f) in subsection (7)(c) after “accommodation” insert “in England”.
- 87.** In section 25A(4)**(39)** (appointment of independent reviewing officer) for “appropriate national authority” substitute “Secretary of State”.
- 88.** In section 25B**(40)** (functions of independent reviewing officer)—
- (a) in subsections (1)(b), (1)(d) and (2)(a) for “appropriate national authority”, in each place that it occurs, substitute “Secretary of State”;
  - (b) in subsection (3) omit paragraph (b) and the “or” immediately preceding it.
- 89.** Omit section 25C(2)**(41)** (referred cases, regulations in respect of Wales).
- 90.** In section 26**(42)** (review of cases and inquiries into representations), in the following provisions, for “appropriate national authority” substitute “Secretary of State”—
- (a) subsection (1);
  - (b) subsection (3A);
  - (c) subsection (3B);
  - (d) subsection (3C);
  - (e) subsection (4A);
  - (f) subsection (5);
  - (g) subsection (6).
- 91.** Omit section 26ZB**(43)** (representations: further consideration (Wales)).
- 92.** In section 26A**(44)** (advocacy services)—
- (a) omit subsection (2A)**(45)**;

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**(38)** Section 25 was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 15, and by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), Schedule 5, paragraph 38.

**(39)** Section 25A was inserted by the Children and Young Persons Act 2008 (c. 23), section 10(1).

**(40)** Section 25B was inserted by the Children and Young Persons Act 2008 (c. 23), section 10(1).

**(41)** Section 25C was inserted by the Children and Young Persons Act 2008 (c. 23), section 10(2).

**(42)** Subsections (1), (5) and (6) of section 26 were amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 16; subsections (3A), (3B), and (4A) were inserted into section 26 by the Adoption and Children Act 2002 (c. 38), section 117(2), (4) and (5), and subsection (3C) was inserted by the Health and Social Care (Community Health and Standards Act) 2003 (c. 43), section 117(1).

**(43)** Section 26ZB was inserted by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), section 116(2), and was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 17.

**(44)** Section 26A was inserted by the Adoption and Children Act 2002 (c. 38), section 119.

**(45)** Subsection (2A) was inserted by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), section 116(3), and was amended by the Education and Inspections Act 2006 (c. 40), Schedule 14, paragraphs 9 and 11 and Part 5 of Schedule 18.

- (b) in subsections (3)(a) and (4)(46), for “appropriate national authority” substitute “Secretary of State”.

**93.** In section 27 (co-operation between authorities)—

- (a) after subsection (3)(d) insert—
  - “(da) any local authority in Wales,”;
- (b) in subsection (3)(e)(47) for “appropriate national authority” substitute “Secretary of State”;
- (c) after subsection (3) insert—
  - “(3A) The Secretary of State must not authorise the Welsh Ministers under subsection (3)(e) without their consent.”

**94.** In section 29 (recoupment of cost of providing services etc.)—

- (a) in subsection (7) after “another local authority” insert “or the area of a local authority in Wales”;
- (b) in subsection (8)(48) after “another local authority” insert “or the area of a local authority in Wales”;
- (c) in subsection (9)(49)—
  - (i) after “subsection (10)” insert “or subsection (11)”;
  - (ii) after “section 27(2)” insert “or section 164A(2) of the Social Services and Well-being (Wales) Act 2014 (duty of other persons to co-operate and provide information)”;
  - (iii) after “the local authority” insert “or a local authority in Wales”;
- (d) after subsection (10)(50) insert—
  - “(11) Where a local authority (“authority A”) comply with any request under section 164A(2) of the Social Services and Well-being (Wales) Act 2014 (duty of other persons to co-operate and provide information) from a local authority in Wales (“authority B”) in relation to a person, and authority B are the responsible local authority for that person (within the meaning of section 104(5)(b) (except for category 4 young persons) or (d) of that Act), then authority A may recover from authority B any reasonable expenses incurred by them in respect of that person.”

**95.** In section 30 (miscellaneous)—

- (a) in subsection (2)(51)—
  - (i) for “determining authority” substitute “Secretary of State”;
  - (ii) at the end insert “but see subsection (2C)”;
- (b) omit subsections (2A) and (2B);
- (c) after subsection (2) insert—
  - “(2C) Any question arising as to whether a child is ordinarily resident—

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(46) Subsections (3)(a) and (4) of section 26A were amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 18.

(47) Section 27(3)(e) was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 19.

(48) Section 29(8) was amended by the Health and Social Care Act 2012 (c. 7), Schedule 5, paragraphs 47 and 52; by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 20, and by S.I. 2007/961 (W. 85), paragraph 20(1) and (2)(e) of the Schedule.

(49) Section 29(9) was amended by the Children (Leaving Care) Act 2000 (c. 35), section 7(1) and (3)(a), and by the Courts and Legal Services Act 1990 (c. 41), Schedule 16, paragraph 15.

(50) Subsection (10) was inserted into section 29 by the Children (Leaving Care) Act 2000 (c. 35), section 7(1) and (3)(b).

(51) Subsection (2) was amended, and subsections (2A) and (2B) were inserted by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 21.

- (a) in the area of a local authority under section 20(2), 21(3) or 29(7) to (9), or
- (b) in the area of a local authority in Wales under section 76(2), 77(4) or (5), or 193(3) to (6) of the Social Services and Well-being (Wales) Act 2014,

shall be determined by the local authority and local authority in Wales concerned, or in default of agreement, by the Secretary of State.

(2D) The Secretary of State must consult the Welsh Ministers before making a determination under subsection (2C).”;

- (d) in subsection (4) for “appropriate national authority” substitute “Secretary of State”.

**96.** Omit section 30A(**52**) (meaning of appropriate national authority).

**97.** In section 33(8)(b) (arrangements for a child to live outside England and Wales) after “Schedule 2” insert “in England, and section 124 of the Social Services and Well-being (Wales) Act 2014 in Wales”.

**98.** In section 34(**53**) (parental contact etc. with children in care)—

- (a) in subsection (1) after “section 22(3)(a)” insert “or, where the local authority is in Wales, under section 78(1)(a) of the Social Services and Well-being (Wales) Act 2014”;
- (b) after subsection (6A)(**54**) insert—

“(6B) Where (by virtue of an order under this section, or because subsection (6) applies) a local authority in Wales is authorised to refuse contact between the child and a person mentioned in any of paragraphs (a) to (c) of section 95(1) of the Social Services and Well-being (Wales) Act 2014, section 95(1) of that Act does not require the authority to promote contact between the child and that person.”

**99.** In section 42(**55**) (right of officer of the Service to have access to local authority records) in paragraph (b) of subsection (1), after “1970” insert “or for the purposes of the Social Services and Well-being (Wales) Act 2014”.

**100.** In section 47 (local authority’s duty to investigate), for subsection (3)(a)(**56**) substitute—

- “(a) whether the authority should—
    - (i) make any application to court under this Act;
    - (ii) exercise any of their other powers under this Act;
    - (iii) exercise any of their powers under section 11 of the Crime and Disorder Act 1998 (child safety orders); or
    - (iv) (where the authority is a local authority in Wales) exercise any of their powers under the Social Services and Well-being (Wales) Act 2014;
- with respect to the child;”.

**101.** In section 59 (provision of accommodation by voluntary organisations)—

- (a) in subsection (3A)(**57**) after “Regulations” insert “made in relation to England”;
- (b) after subsection (3A) insert—

(52) Section 30A was inserted by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 22.

(53) Section 34(1) was amended by the Children and Families Act 2014 (c. 6), sections 8(1) and 12(4) and Schedule 2, paragraphs 1 and 31.

(54) Subsection (6A) was inserted into section 34 by the Children and Families Act 2014 (c. 6), section 8(1) and (3).

(55) Section 42 was amended by the Criminal Justice and Court Services Act 2000 (c. 43), Schedule 7, paragraphs 87 and 92; by the Children Act 2004 (c. 31), Schedule 3, paragraphs 5 and 10; the Courts and Legal Services Act 1990 (c. 41), section 116 and Schedule 16, paragraph 18, and Schedule 20, and by the Local Government Act 2000 (c. 22), Schedule 5, paragraph 20.

(56) Section 47(3) was amended by the Crime and Disorder Act 1998 (c. 37), Schedule 8, paragraph 69.

(57) Subsection (3A) was inserted into section 59 by the Children and Young Persons Act 2008 (c. 23), Schedule 1, paragraph 2(1) and (6).



“(3B) Regulations made in relation to Wales under subsection (2) or (3) may in particular make provision which (with any necessary modifications) is similar to that which may be made under sections 81 or 87 of the Social Services and Well-being (Wales) Act 2014, including provision which may be made under section 87 in accordance with the examples given in sections 89, 92 and 93 of that Act.”;

(c) in subsection (5A) after “Regulations” insert “made in relation to England”;

(d) after subsection (5A) insert—

“(5B) Regulations made in relation to Wales under subsection (4) may in particular make provision which (with any necessary modifications) is similar to that which may be made under sections 99, 100 or 102 of the Social Services and Well-being (Wales) Act 2014.”

**102.** In section 85 (children accommodated by health authorities and local education authorities)

(a) in subsection (1)(**58**)—

(i) after “accommodation” insert “in England”;

(ii) omit “Local Health Board”;

(iii) after “local authority” insert “in England”;

(b) in subsection (2A)(**59**) for “provided with accommodation by a local authority” substitute “provided with accommodation in England by a local authority in England”;

(c) in subsection (3A)(b)(**60**) for “lead director for children and young person’s services” substitute “director of social services”;

(d) in subsection (4)(**61**) for “local authority has been notified under this section” substitute “local authority in England has been notified under this section, or under section 120 of the Social Services and Well-being (Wales) Act 2014 (assessment of children accommodated by health authorities and education authorities)”.

**103.** In section 86(**62**) (children accommodated in care homes or independent hospitals)—

(a) in subsection (1)(**63**) after “accommodation” insert “in England”;

(b) in subsection (5)(**64**) after “local authority” insert “in England”.

**104.** In section 86A(**65**) (visitors for children notified to local authority under section 85 or 86)—

(a) in subsection (1) after “local authority” insert “in England”;

(b) in subsection (1)(a) after “section 85(1) or 86(1)” insert “, or under section 120(2)(a) of the Social Services and Well-being (Wales) Act 2014”;

(c) in subsection (1)(b) for “or, as the case may be, 86(2)” substitute “, 86(2), or under section 120(2)(b) of the Social Services and Well-being (Wales) Act 2014, as the case may be”;

(58) Section 85(1) was amended by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 118(9); by the Health and Social Care Act 2012 (c. 7), Schedule 5, paragraphs 47 and 55(a); by the National Health Service and Community Care Act 1990 (c. 19), Schedule 5, paragraph 36(5); by the Children and Young Persons Act 2008 (c. 23), section 17(1) and (2); by S.I. 2007/961 (W. 85), paragraph 20(1) and (2)(h) of the Schedule; S.I. 2000/90, Schedule 1, paragraph 24(1) and (9), and by S.I. 2010/1158, Schedule 2, paragraph 37(1) and (10)(a).

(59) Subsection (2A) was inserted by S.I. 2010/1158, Schedule 2, paragraph 37(10)(b).

(60) Subsection (3A) was inserted by the Children and Young Persons Act 2008 (c. 23), section 17(1) and (3).

(61) Section 85A(4) was amended by the Children and Young Persons Act 2008 (c. 23), section 17(1) and (4).

(62) The section heading to section 86 was amended by the Care Standards Act 2000 (c. 14), Schedule 4, paragraph 14(1) and (20)(a).

(63) Section 86(1) was amended by the Care Standards Act 2000 (c. 14), Schedule 4, paragraph 14(1) and (20)(b).

(64) Section 86(5) was amended by the Care Standards Act 2000 (c. 14), Schedule 4, paragraph 14(1) and (20)(b).

(65) Section 86A was inserted by the Children and Young Persons Act 2008 (c. 23), section 18.

- (d) in subsection (5) omit “and the Welsh Ministers acting jointly”;
- (e) in the heading omit “under section 85 or 86”.

**105.** For section 104A(66) (regulations and orders made by the Welsh Ministers under Part 3 etc.) substitute—

**“Regulations made by the Welsh Ministers under section 31A or Part 7**

**104A.**—(1) Any power of the Welsh Ministers under section 31A or Part 7 to make regulations shall be exercisable by statutory instrument.

(2) Any such statutory instrument shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

**106.** In section 105 (interpretation)—

- (a) in subsection (1) for the definition of “local authority foster parent” substitute—
  - ““local authority foster parent”(67) means a person authorised as such in accordance with regulations made by virtue of—
  - (a) paragraph 12F of Schedule 2; or
  - (b) sections 87 and 93 of the Social Services and Well-being (Wales) Act 2014 (regulations providing for approval of local authority foster parents);”;
- (b) for subsection (4) substitute—
  - “(4) References in this Act to a child who is looked after—
  - (a) in relation to a child who is looked after by a local authority in England, has the meaning given in section 22; and
  - (b) in relation to a child who is looked after by a local authority in Wales, has the meaning given in section 74 of the Social Services and Well-being (Wales) Act 2014 (child or young person looked after by a local authority).”;
- (c) in subsection (5)(68) omit “within the meaning of the Local Authority Social Services Act 1970”;
- (d) after subsection (5) insert—
  - “(5B) In subsection (5) “social services functions” means—
  - (a) in England, social services functions within the meaning of the Local Authority Social Services Act 1970, and
  - (b) in Wales, social services functions within the meaning of the Social Services and Well-being (Wales) Act 2014.”

**107.** After the heading in Schedule 2 (local authority support for children and families) insert—

*“Application to local authorities in England*

**A1.**—(1) This Schedule applies only in relation to local authorities in England.

(2) Accordingly, unless the contrary intention appears, a reference in this Schedule to a local authority means a local authority in England.”

(66) Section 104A was inserted by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 26; and was amended by the Children and Families Act 2014 (c. 6), section 16(2).

(67) The definition of “local authority foster parent” was substituted by the Children and Young Persons Act 2008 (c. 23), Schedule 1, paragraph 3(1) and (4).

(68) Section 105(5) was amended by the Local Government Act 2000 (c. 22), Schedule 5, paragraph 22.

**108.** In Schedule 2, in paragraph 4 (prevention of neglect and abuse)—

- (a) in sub-paragraph (2)(b) after “another local authority” insert “or in the area of a local authority in Wales”;
- (b) in sub-paragraph (2) after “that other local authority” insert “or the local authority in Wales, as the case may be”;
- (c) in sub-paragraph (3) after “that other local authority” insert “or the local authority in Wales”.

**109.** In Schedule 2, in paragraph 6(2)(**69**) (provision for disabled children) for “appropriate national authority” substitute “Secretary of State”.

**110.** In Schedule 2, in paragraph 7(c) after “secure accommodation” insert “within the meaning given in section 25 and in section 119 of the Social Services and Well-being (Wales) Act 2014”.

**111.** In Schedule 2, in paragraph 8A(2)(**70**) (provision for accommodated children) after “under section 85 or 86” insert “or under section 120 of the Social Services and Well-being (Wales) Act 2014 (assessment of children accommodated by health authorities and education authorities)”.

**112.** In Schedule 2, in the heading of Part 2 (children looked after by local authorities), at the end insert “in England”.

**113.** In Schedule 2, in paragraph 12F(**71**) (approval of local authority foster parents)—

- (a) in sub-paragraph (1)(a) after “prescribed” insert “in regulations made by the Secretary of State”;
- (b) in sub-paragraph (1)(b) for “that national authority” substitute “the Secretary of State”;
- (c) in the following provisions for “appropriate national authority” in each place that it occurs, substitute “Secretary of State”—
  - (i) sub-paragraph (1)(b);
  - (ii) sub-paragraph (4);
  - (iii) sub-paragraph (5);
  - (iv) sub-paragraph (6);
  - (v) sub-paragraph (7);
  - (vi) sub-paragraph (8);
  - (vii) sub-paragraph (9);
- (d) omit sub-paragraph (10);
- (e) in sub-paragraph (11), in the definition of “organisation” after “includes” insert “the Welsh Ministers,”.

**114.** In Schedule 2, in paragraph 15(3) (promotion of maintenance of contact between child and family) after “another local authority” insert “or a local authority in Wales”.

**115.** In Schedule 2, in paragraph 19B(**72**) (additional functions in relation to eligible children)—

- (a) in sub-paragraph (2)(b) after “a local authority” insert “or by a local authority in Wales”;
- (b) in sub-paragraph (3) for “appropriate national authority” substitute “Secretary of State”;
- (c) in sub-paragraph (7) for “appropriate national authority” substitute “Secretary of State”.

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(69) Paragraph 6 was amended, and sub-paragraph (2) was inserted, by the Children and Young Persons Act 2008 (c. 23), section 25.

(70) Paragraph 8A was inserted by the Children and Young Persons Act 2008 (c. 23), section 19.

(71) Paragraphs 12A to 12G were substituted, for paragraphs 12 to 14, as originally enacted, by the Children and Young Persons Act 2008 (c. 23), Schedule 1, paragraph 4.

(72) Paragraphs 19A to 19C were inserted by the Children (Leaving Care) Act 2000 (c. 35), section 1; paragraph 19B was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 27(1) and (3).

**116.** In Schedule 2, in paragraph 19BA(1)(73) (preparation for ceasing to be looked after: staying put arrangements) omit “in England”.

**117.** In Schedule 2, for paragraph 20(1)(a)(74) (death of children being looked after by local authorities) substitute—

“(a) shall notify the Secretary of State and Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;”.

**118.** In Schedule 2, in the heading of Part 3 (contributions towards maintenance of children looked after by local authorities), at the end insert “in England”.

**119.** In Schedule 2, in paragraph 24(3) (enforcement of contribution orders) before paragraph (a) insert—

“(aa) a local authority in Wales;”.

**120.** In Schedule 2, in paragraph 25(75) (regulations)—

(a) for “appropriate national authority” substitute “Secretary of State”;

(b) in sub-paragraph (b) for “a local authority” substitute “they”;

(c) for sub-paragraph (b)(ii) substitute—

“(ii) any other local authority under paragraph 24(2).”

**121.** For the heading to Schedule 2 substitute—

*“SUPPORT FOR CHILDREN AND FAMILIES  
PROVIDED BY LOCAL AUTHORITIES IN ENGLAND”.*

**122.** In paragraph 61 of Schedule 13 (consequential amendments) omit sub-paragraphs (3) and (4).

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(73) Paragraph 19BA was inserted by the Children and Families Act 2014 (c. 6), section 98(1) and (3).

(74) Paragraph 20 was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 27(1) and (4), and by the Education and Inspections Act 2006 (c. 40), Schedule 14, paragraphs 9 and 17.

(75) Paragraph 25 was amended by the Children and Young Persons Act 2008 (c. 23), Schedule 3, paragraphs 1 and 27(1) and (5).