

WELSH STATUTORY INSTRUMENTS

2016 No. 413

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

Mental Capacity Act 2005 (c. 9)

226. The Mental Capacity Act 2005 is amended as follows.

Commencement Information

11 Reg. 226 in force at 6.4.2016, see [reg. 2\(1\)](#)

227. In section 39(1) (provision of accommodation by local authority), in subsection (2)—

(a) for paragraph (a) substitute—

“(a) Part 4 of the Social Services and Well-being (Wales) Act 2014; or”;

(b) omit the words following paragraph (b).

Commencement Information

12 Reg. 227 in force at 6.4.2016, see [reg. 2\(1\)](#)

228. In section 64 (interpretation), in the definition of “social services function”—

(a) after “function” insert

“—

(a) in relation to England”;

(b) at the end insert—

“(b) in relation to Wales, has the meaning given in section 143 of the Social Services and Well-being (Wales) Act 2014 ([anaw 4](#)).”

Commencement Information

13 Reg. 228 in force at 6.4.2016, see [reg. 2\(1\)](#)

229. In paragraph 183 of Schedule A1(2) (deprivation of liberty of hospital or care home residents: ordinary residence for the purpose of identifying supervisory authority)—

(a) omit sub-paragraphs (1) and (2);

(b) after sub-paragraph (2A) insert—

(1) Section 39 was amended by [S.I. 2015/914](#), Schedule, paragraphs 78, 79(1) to (4). There are other amendments which are not relevant.
(2) Schedule A1 was inserted by the Mental Health Act [2007 \(c. 12\)](#), Schedule 7.

Changes to legislation: *There are currently no known outstanding effects for the The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016, Cross Heading: Mental Capacity Act 2005 (c. 9). (See end of Document for details)*

“(2B) Section 194(1), (2), (4) and (5) of the Social Services and Well-being (Wales) Act 2014 apply to a determination of where a person is ordinarily resident for the purposes of paragraphs 180, 181 and 182 as it applies for the purposes of that Act.”

Commencement Information

I4 Reg. 229 in force at 6.4.2016, see [reg. 2\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016, Cross Heading: Mental Capacity Act 2005 (c. 9).