

2015 No. (W.)

SOCIAL CARE, WALES

**The Care and Support (Ordinary
Residence) (Specified
Accommodation) (Wales)
Regulations 2015**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 194 of the Social Services and Well-being (Wales) Act 2014 (“the Act”) makes provision for establishing a person’s ordinary residence. Section 194(1) makes provision about an adult’s ordinary residence in a case where an adult is living in accommodation of a specified type.

These Regulations specify and define two types of accommodation for these purposes: care home accommodation and adult placement scheme accommodation (also known as shared lives scheme accommodation).

Where an adult has needs for care and support which can be met only by living in accommodation of a specified type and is living in accommodation of a specified type in Wales, the adult is to be treated (by virtue of section 194(1) of the Act) as ordinarily resident in the area in which the adult was ordinarily resident immediately before the adult began to live in the specified type of accommodation. If the adult was of no settled residence immediately before beginning to live in a specified type of accommodation, the adult is treated as ordinarily resident in the area in which the adult was present at the time.

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Made ***

Laid before the National Assembly for Wales

Coming into force ***

The Welsh Ministers, in exercise of the powers conferred by section 194(1) of the Social Services and Well-being (Wales) Act 2014⁽¹⁾, make the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Care and Support (Ordinary Residence) (Specified Accommodation) (Wales) Regulations 2015.

(2) These Regulations come into force on xxxx and apply to Wales.

(3) In these Regulations—

“the Act” means the Social Services and Well-being (Wales) Act 2014.

Specified types of accommodation

2. The following types of accommodation are specified for the purposes of section 194(1) of the Act (ordinary residence)—

- (a) care home accommodation (see regulation 3);
- (b) adult placement scheme accommodation (see regulation 4).

(1) 2104 anaw 14

Care home accommodation

3. For the purposes of these regulations “care home accommodation” means accommodation in a care home within the meaning given by section 3 of the Care Standards Act 2000⁽¹⁾.

Adult placement scheme accommodation

4.—(1) For the purposes of these regulations “adult placement scheme accommodation” means accommodation which is provided together with personal care to an adult by an individual in the individual’s own home under the terms of an agreement between that individual and a person who is registered under Part 2 of the Care Standards Act 2000 as the provider of an adult placement scheme.

(2) For the purpose of paragraph (1), “adult placement scheme” has the same meaning as in the Adult Placement Scheme (Wales) Regulations 2004⁽²⁾.

Mark Drakeford

Minister for Health and Social Services, one of the
Welsh Ministers

Date

(1) 2000 c.14; section 3 was amended by the Health and Social Care Act 2008 (c.14), section 95 and paragraph 4 of Schedule 5.

(2) S.I. 2004/1756 (W. 188)