

Explanatory Memorandum to the Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) (Secondary Legislation) (Amendment) 2016

This Explanatory Memorandum has been prepared by the Health and Social Services Group and is laid before the National Assembly for Wales in conjunction with the above Regulations and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) (Secondary Legislation) (Amendment) 2016.

Mark Drakeford
Minister for Health and Social Services
14 March 2016

1. Description

The Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”) brings together local authorities’ duties and functions in relation to improving the well-being of people who need care and support, and carers who need support, into a single Act. It provides the statutory framework to deliver the Welsh Government’s commitment to focus on well-being, rights and responsibilities.

The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) (Secondary Legislation) (Amendment) 2016 (“the 2016 Regulations”) provide for the revocation of Wales only secondary legislation and the disapplication in relation to Wales of England and Wales secondary legislation made under any of the provisions of primary legislation that have been repealed as a consequence of the commencement of the 2014 Act. They also make consequential and incidental amendments to secondary legislation required as a consequence of the commencement of the 2014 Act.

The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) (Secondary Legislation) Regulations 2016 (“the amendment Regulations”) correct an error that has been identified within the 2016 Regulations.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

None identified.

3. Legislative background

These Regulations are made under section 198 of the 2014 Act. These Regulations are subject to the negative procedure. They will come into force on 5 April 2016.

4. Purpose & Intended effect of the legislation

Regulation 2 amends the 2016 Regulations to omit reference to two sets of regulations from Schedule 2 to the 2016 Regulations which were included in error. (Schedule 2 to the 2016 Regulations makes provision to disapply in relation to Wales the secondary legislation listed in that Schedule.)

The two sets of regulations are the Children and Family Court Advisory and Support Service (Reviewed Case Referral) Regulations 2004 and the Children and Family Court Advisory and Support Service (Reviewed Case Referral) (Amendment) Regulations 2005.

The amendment made by regulation 2 will ensure that the two sets of regulations will continue to apply in relation to England and Wales.

5. Consultation

No formal consultation has taken place.

6. Regulatory Impact Assessment

A regulatory impact assessment has not been prepared in respect of these consequential amendment regulations as they do not impose or reduce costs for businesses, charities or voluntary bodies or the public sector.