

2018 No. 228

SOCIAL SECURITY

CHILD SUPPORT

**The Social Security and Child Support (Regulation and
Inspection of Social Care (Wales) Act 2016) (Consequential
Provision) Regulations 2018**

<i>Made</i> - - - -	<i>22nd February 2018</i>
<i>Laid before Parliament</i>	<i>23rd February 2018</i>
<i>Coming into force</i> - -	<i>2nd April 2018</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by section 150(1)(a) of the Government of Wales Act 2006 (a).

In accordance with section 176(1)(a) of the Social Security Administration Act 1992(b), the Secretary of State has consulted, in relation to regulations 9 and 10, with organisations appearing to the Secretary of State to be representative of the authorities concerned.

Citation and commencement

1. These Regulations may be cited as the Social Security and Child Support (Regulation and Inspection of Social Care (Wales) Act 2016) (Consequential Provision) Regulations 2018 and come into force on 2nd April 2018.

Amendment of the Income Support (General) Regulations 1987

- 2.—(1) The Income Support (General) Regulations 1987(c) are amended as follows.
- (2) In regulation 2 (interpretation), in paragraph (1), in the definition of “care home”—
- (a) omit “and Wales”;
 - (b) after “Care Standards Act 2000,” insert “in Wales means a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016(d) which is provided wholly or mainly to persons aged 18 or over”.

(a) 2006 c.32.

(b) Section 176(1)(a) was amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992 (c.14). It was repealed, to the extent that it relates to council tax benefit, by section 147 of, and Part 1 of Schedule 14 to, the Welfare Reform Act 2012 (c.5) with effect from 1st April 2013 and subject to savings and transitional provisions in articles 9 and 10 of S.I. 2013/358.

(c) S.I. 1987/1967. Relevant amending instruments are S.I. 2005/2687 and 2011/2581.

(d) 2016 anaw 2.

Amendment of the Social Fund Cold Weather Payments (General) Regulations 1988

3.—(1) The Social Fund Cold Weather Payments (General) Regulations 1988(a) are amended as follows.

(2) In regulation 1A (prescribed description of persons), in paragraph (5)(a)—

- (a) omit “and Wales”;
- (b) after “Care Standards Act 2000,” insert “in Wales means a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 which is provided wholly or mainly to persons aged 18 or over”.

Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations 1992

4.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations 1992(b) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (2)—

- (a) in the definition of “care home”, before “has the meaning” insert “in England”;
- (b) in the definition of “care home service”, before “has the meaning” insert “in Wales means a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 which is provided wholly or mainly to persons aged 18 or over and in Scotland”.

Amendment of the Jobseeker’s Allowance Regulations 1996

5.—(1) The Jobseeker’s Allowance Regulations 1996(c) are amended as follows.

(2) In regulation 1 (citation, commencement, interpretation and application), in paragraph (3), in the definition of “care home”—

- (a) omit “and Wales”;
- (b) after “Care Standards Act 2000,” insert “in Wales means a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 which is provided wholly or mainly to persons aged 18 or over”.

Amendment of the Social Fund Winter Fuel Payment Regulations 2000

6.—(1) The Social Fund Winter Fuel Payment Regulations 2000(d) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (2), in the definition of “care home”—

- (a) omit “and Wales”;
- (b) after “Care Standards Act 2000,” insert “in Wales, means a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 which is provided wholly or mainly to persons aged 18 or over”.

(a) S.I. 1988/1724. Relevant amending instruments are S.I. 2010/2442 and 2011/2581.

(b) S.I. 1992/1815. Relevant amending instruments are S.I. 2003/2779 and 2011/2581.

(c) S.I. 1996/207. Relevant amending instruments are S.I. 2005/2687 and 2011/2581.

(d) S.I. 2000/729. Relevant amending instruments are S.I. 2005/2687 and 2011/2581.

Amendment of the Child Support (Maintenance Calculations and Special Cases) Regulations 2000

7.—(1) The Child Support (Maintenance Calculations and Special Cases) Regulations 2000(**a**) are amended as follows.

- (2) In regulation 1 (citation, commencement and interpretation), in paragraph (2)—
- (a) in the definition of “care home”, before “has the meaning” insert “in England”;
 - (b) in the definition of “care home service” before “has the meaning” insert “in Wales means a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 which is provided wholly or mainly to persons aged 18 or over and in Scotland”.

Amendment of the State Pension Credit Regulations 2002

8.—(1) The State Pension Credit Regulations 2002(**b**) are amended as follows.

- (2) In regulation 1 (citation, commencement and interpretation), in paragraph (2)—
- (a) in the definition of “care home”—
 - (i) before “has the meaning” insert “in England”;
 - (ii) before “Scotland” insert “Wales and”;
 - (b) in the definition of “care home service” before “has the meaning” insert “in Wales means a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 which is provided wholly or mainly to persons aged 18 or over and in Scotland”.

Amendment of the Housing Benefit Regulations 2006

9.—(1) The Housing Benefit Regulations 2006(**c**) are amended as follows.

- (2) In regulation 2 (interpretation), in paragraph (1), in the definition of “care home”—
- (a) omit “and Wales”;
 - (b) after “Care Standards Act 2000” insert “, in Wales means a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 which is provided wholly or mainly to persons aged 18 or over”.
- (3) In regulation 28 (treatment of child care charges), in paragraph (8)(1), for “the Domiciliary Care Agencies (Wales) Regulations 2004” substitute “by a person who is employed, or engaged under a contract for services, to provide care and support by the provider of a domiciliary support service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

10.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**d**) are amended as follows.

- (2) In regulation 2 (interpretation), in paragraph (1), in the definition of “care home”—
- (a) omit “and Wales”;

(a) S.I. 2001/155. Relevant amending instruments are S.I. 2003/2779 and 2011/2581.
(b) S.I. 2002/1792. Relevant amending instruments are S.I. 2002/3197 and 2011/2581.
(c) S.I. 2006/213. Relevant amending instruments are S.I. 2009/1848 and 2011/2581.
(d) S.I. 2006/214. Relevant amending instruments are S.I. 2009/1848 and 2011/2581.

- (b) after “Care Standards Act 2000” insert “, in Wales means a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 which is provided wholly or mainly to persons aged 18 or over”.

(3) In regulation 31 (treatment of child care charges), in paragraph (8)(l), for “the Domiciliary Care Agencies (Wales) Regulations 2004” substitute “by a person who is employed, or engaged under a contract for services, to provide care and support by the provider of a domiciliary support service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016”.

Amendment of the Employment and Support Allowance Regulations 2008

11.—(1) The Employment and Support Allowance Regulations 2008(a) are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), in the definition of “care home”—

- (a) omit “and Wales”;
- (b) after “Care Standards Act 2000,” insert “in Wales means a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 which is provided wholly or mainly to persons aged 18 or over”.

(3) In regulation 160 (exceptions from disqualification for imprisonment), in paragraph (5)(b), after “children’s home” insert “, a place at which a secure accommodation service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is being provided”.

Amendment of the Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012

12.—(1) The Social Security (Information-sharing in relation to Welfare Services etc.) Regulations 2012(b) are amended as follows.

(2) In regulation 2 (interpretation), in the definition of “residential care”—

- (a) in paragraph (a) omit “and Wales”;
- (b) after paragraph (a) insert—
 - “(aa) in Wales, the provision of a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 which is provided wholly or mainly to persons aged 18 or over;”.

Amendment of the Child Support Maintenance Calculation Regulations 2012

13.—(1) The Child Support Maintenance Calculation Regulations 2012(c) are amended as follows.

(2) In regulation 45 (nil rate), in paragraph (3)—

- (a) for the definition of ““independent hospital” and “care home”” substitute—
 - ““care home” in England has the meaning given by sections 2 and 3 of the Care Standards Act 2000;”;
- (b) in the definition of “care home service” before “has the meaning” insert “in Wales means a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 which is provided wholly or mainly to persons aged 18 or over and in Scotland”;
- (c) after the definition of “care home service” insert—

(a) S.I. 2008/794, amended by S.I. 2011/2581. There are other amending instruments but none are relevant.
(b) S.I. 2012/1483 to which there are amendments which are not relevant to these Regulations.
(c) S.I. 2012/2677 to which there are amendments which are not relevant to these Regulations.

““independent hospital” has the meaning given by sections 2 and 3 of the Care Standards Act 2000;”.

Amendment of the Universal Credit Regulations 2013

14.—(1) The Universal Credit Regulations 2013(a) are amended as follows.

(2) In regulation 35 (meaning of “relevant childcare”), for paragraph (4)(e) substitute—

“(e) by a person who is employed, or engaged under a contract for services, to provide care and support by the provider of a domiciliary support service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016; or”.

(3) In Schedule 1 (meaning of payments in respect of accommodation), in paragraph 1 (interpretation), in the definition of “care home”—

(a) in paragraph (a) omit “and Wales”;

(b) after paragraph (a) insert—

“(aa) in Wales, means a place at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over;”;

(c) in paragraph (c), for “either case” substitute “any of the above cases”.

Amendment of the Employment and Support Allowance Regulations 2013

15.—(1) The Employment and Support Allowance Regulations 2013(b) are amended as follows.

(2) In regulation 96 (exceptions from disqualification for imprisonment), in paragraph (6)(b), after “children’s home” insert “, a place at which a secure accommodation service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is being provided”.

Signed by authority of the Secretary of State for Work and Pensions

Kit Malthouse
Parliamentary Under-Secretary of State
Department for Work and Pensions

22nd February 2018

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend social security and child support regulations.

In particular, they make changes which are consequential on the coming into force for certain purposes on 2nd April 2018 of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2). That Act creates a new system for the regulation of care homes in Wales.

An impact assessment has not been produced for this instrument as it has no impact on business or civil society organisations.

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(a) S.I. 2013/376 to which there are amendments which are not relevant to these Regulations.

(b) S.I. 2013/379 to which there are amendments which are not relevant to these Regulations.

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