

“Matter 15.9

Charges levied by local authorities for non-residential social care provided or secured by them and payments in respect of individuals with particular needs relating to their well-being so that they, or persons looking after them, may secure non-residential social care to meet those needs.”

(3) In the table at the end of Part 1 (excepted matters), insert “, 15.9” after “15.8” in each of the rows relating to excepted matters 19, 21, 22, 23, 24 and 25.

Clerk to the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Schedule 5 to the Government of Wales Act 2006 (“the 2006 Act”). The effect of the Order is to extend the legislative competence of the National Assembly of Wales to make new laws for Wales by Measure under section 93 of the 2006 Act.

The amendments relate to field 15 (social welfare) in Part 1 of Schedule 5. Article 2(2) inserts matter 15.9 which extends the legislative competence of the National Assembly for Wales to cover—

- charges for non-residential social care provided or secured by local authorities, and
- direct payments in respect of individuals so they, or persons looking after them, may secure non-residential social care.

This extended legislative competence of the National Assembly for Wales is subject to the general limitations that apply to the exercise of such competence by virtue of Part 3 of the Government of Wales Act 2006.

Article 2(3) applies specified excepted matters to the new legislative competence. The excepted matters are listed in the table in Part 1 of Schedule 5 to the 2006 Act. The table has effect so that the matters specified in the first column (the excepted matters) are not included in the matters identified in the second column (matters inserted under the fields). The excepted matters in the first column will be outside the scope of the matters specified in the corresponding entry in the second column.

The specified excepted matters relate to—

- child support (excepted matter 19),
- tax credits (excepted matter 21),
- child benefit and guardian’s allowance (excepted matter 22),
- social security (excepted matter 23),
- independent living funds (excepted matter 24) and
- motability (excepted matter 25).