

## Primary legislation revoked by the Care Act 2014

Legislation	Old section	New Care Act section	Care Act guidance chapter
Carers and Disabled Children Act 2000	1: Right of carers to assessment	10: Assessment of a carer's needs for support	6: Assessment and eligibility
	2: Services for carers	20: Duty and power to meet a carer's needs for support	NA
	6: Assessments: persons with parental responsibility for disabled children	61: Child's carer's assessment: requirements etc	16: Transition to adult care and support
Carers (Equal Opportunities) Act 2004	1: Duty to inform carers of their right to an assessment	10: Assessment of a carer's needs for support	6: Assessment and eligibility
	2: Assessment of carers	10: Assessment of a carer's needs for support	6: Assessment and eligibility
Carers (Recognition and Services) Act 1995	1: Assessment of ability of carers to provide care	10: Assessment of a carer's needs for support	6: Assessment and eligibility
Chronically Sick and Disabled Persons Act 1970	1: Information as to need for and existence of welfare services	4: Providing information and advice	3: Information and advice

Legislation	Old section	New Care Act section	Care Act guidance chapter
Chronically Sick and Disabled Persons Act 1970	2: Provision of welfare services	18: Duty to meet needs for care and support	NA
Community Care (Delayed Discharges etc.) Act 2003	All	74: Discharge of hospital patients with care and support needs See also Schedule 3	15: Integration, co-operation and partnerships Annex G: The process of managing transfers of care from hospital
Disabled Persons (Services, Consultation and Representation) Act 1986	3: Assessment by local authorities of needs of disabled persons.	9: Assessment of an adults need for care and support	6: Assessment and eligibility
	8: Duty of local authority to take into account abilities of carer.	10: Assessment of a carer's needs for support	6: Assessment and eligibility
Health Services and Public Health Act 1968	Revoked		
Health and Social Care Act 2001	49: Exclusion of nursing care from community care services	22 (1, 8): Exception for provision of health services	15: Integration, co-operation and partnerships
Health and Social Services and Social Security Adjudications Act 1983	Revoked		

Legislation	Old section	New Care Act section	Care Act guidance chapter
Local Authority Social Services Act 1970	Revoked		
National Assistance Act 1948	21: Duty of local authorities to provide accommodation.	8 (1): <a href="#">How to meet needs</a>	Annex A: <a href="#">Choice of Accommodation and Additional Payments</a>
	22: Charges to be made for accommodation.	14: <a href="#">Power of a local authority to charge</a>	8: <a href="#">Charging and financial assessment</a>
	29: Welfare arrangements for blind, deaf, dumb and crippled persons, etc.	13: <a href="#">The eligibility criteria</a>	6: <a href="#">Assessment and eligibility</a>
	47: Removal to suitable premises of persons in need of care and attention.	46: <a href="#">Abolition of local authority's power to remove persons in need of care</a>	NA
	48: Duty of councils to provide temporary protection for property of persons admitted to hospitals etc.	47: <a href="#">Protecting property of adults being cared for away from home</a>	14: <a href="#">Safeguarding</a>
National Health Service Act 2006	82: Co-operation between NHS bodies and local authorities	6: <a href="#">Co-operating generally</a>	15: <a href="#">Integration, co-operation and partnerships</a>
National Health Service and Community Care Act 1990	44: Charges for accommodation provided by local authorities	14: <a href="#">Power of a local authority to charge</a>	8: <a href="#">Charging and financial assessment</a>

Legislation	Old section	New Care Act section	Care Act guidance chapter
National Health Service and Community Care Act 1990	45: Recovery of charges due to local authorities for accommodation	14: Power of a local authority to charge	8: Charging and financial assessment
	47: Assessment of needs for community care services	9: Assessment of an adult's needs for care and support	6: Assessment and eligibility

## Secondary legislation revoked by the Care Act 2014

Legislation being revoked	Old section	New Care Act section	Care Act guidance chapter
Approvals and Directions under S.21(1) NAA 1948 (LAC (93) 10)	NA	39: Where a person's ordinary residence is	19: Ordinary residence Annex H: Ordinary residence
Community Care Assessment Directions 2004	2.2: The local authority must consult the person, consider whether the person has any carers and, where they think it appropriate, consult those carers.	9: Assessment of an adult's needs for care and support	6: Assessment and eligibility
	2.3: The local authority must take all reasonable steps to reach agreement with the person and, where they think it appropriate, any carers of that person, on the community care services which they are considering providing to him to meet his needs.	24: The steps for the local authority to take	10: Care and support planning

Legislation being revoked	Old section	New Care Act section	Care Act guidance chapter
Community Care Assessment Directions 2004	2.4: The local authority must provide information to the person and, where they think it appropriate, any carers of that person, about the amount of the payment (if any) which the person will be liable to make in respect of the community care services which they are considering providing to him.	17 (6): Assessment of financial resources	8: Charging and financial assessment
Community Care (Delayed Discharges etc. Act (Qualifying Services) Regulations 2003	NA	74: Discharge of hospital patients with care and support needs See also Schedule 3	15: Integration, co-operation and partnerships Annex G: The process of managing transfers of care from hospital
Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009	NA	31: Adults with capacity to request direct payments 32: Adults without capacity to request direct payments 34: Direct payments: further provision	12: Direct payments
Delayed Discharges (England) Regulations 2003	NA	74: Discharge of hospital patients with care and support needs See also Schedule 3	15: Integration, co-operation and partnerships Annex G: The process of managing transfers of care from hospital

Legislation being revoked	Old section	New Care Act section	Care Act guidance chapter
Delayed Discharges (Mental Health Care) (England) Order 2003	NA	74: Discharge of hospital patients with care and support needs See also Schedule 3	15: Integration, co-operation and partnerships Annex G: The process of managing transfers of care from hospital
National Assistance (Residential Accommodation) (Relevant Contributions) Regulations 2001	NA	34: Deferred payment agreement and loans 35: Deferred payment agreement and loans: further provision	9: Deferred payment agreements
National Assistance (Sums for Personal Requirements) Regulations 2003	NA	17: Assessment of financial resources	8: Charging and financial assessment Annex B: Treatment of capital
NHS Continuing Healthcare (Responsibilities) Directions 2009	NA	22: Exception for provision of health services	6: Assessment and Eligibility 15: Integration, co-operation and partnerships
Ordinary Residence Disputes (National Assistance Act 1948) Directions 2010	NA	40: Disputes about ordinary residence or continuity of care	19: Ordinary residence

## Statutory guidance revoked by the Care Act 2014

Legislation being revoked	New Care Act Clauses	Care Act Guidance Chapter
<p>Carers and people with parental responsibility for disabled children 2001</p>	<p>10: Assessment of a carer's needs for support            20: Duty and power to meet a carer's needs for support            60: Assessment of a child's carer's needs for support            61: Child's carer's assessment: requirements etc            62: Power to meet a child's carer's needs for support            63: Assessment of a young carer's needs for support            64: Young carer's assessment: requirements etc.</p>	<p>6: Assessment and eligibility            10: Care and support planning            16: Transition to adult care and support</p>
<p>Caring for people: community care in the next decade and beyond 1990</p>	<p>Revoked</p>	



Legislation being revoked	New Care Act Clauses	Care Act Guidance Chapter
<p>Charging for residential accommodation guidance CRAG 2014</p>	<p>14: Power of local authority to charge</p> <p>17: Assessment of financial resources</p> <p>34: Deferred payment agreements and loans</p> <p>35: Deferred payment agreements and loans: further provisions</p> <p>36: Alternative financial arrangements</p>	<p>8: Charging and financial assessment</p> <p>9: Deferred payment agreements</p> <p>Annex A: Choice of accommodation and additional payments</p> <p>Annex B: Treatment of capital</p> <p>Annex C: Treatment of income</p> <p>Annex D: Recovery of debts</p> <p>Annex E: Deprivation of assets</p> <p>Annex F: Temporary residents in care homes</p>
<p>Fair Access to care Services (FACS): Guidance on eligibility criteria for adult social care 2002</p>	<p>13: The eligibility criteria</p>	<p>6: Assessment and eligibility</p>

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<p>Fairer Charging Policies for Home Care and other non-residential services 2013 and LAC 2001(32)</p>	<p>14: Power of local authority to charge 17: Assessment of financial resources</p>	<p>8: Charging and financial assessment Annex A: Choice of accommodation and additional payments Annex B: Treatment of capital Annex C: Treatment of income Annex D: Recovery of debts Annex E: Deprivation of assets Annex F: Temporary residents in care homes</p>
<p>Guidance on the National Assistance Act 1948 (Choice of Accommodation) Directions 1992 and National Assistance (Residential Accommodation) (Additional Payments) Regulations 2001 (LAC(2004)20)</p>	<p>30: Cases where adult expresses preference for particular accommodation</p>	<p>Annex A: Choice of accommodation and additional payments</p>
<p>Identifying the ordinary residence of people in need of community care services 2013</p>	<p>39: Where a person's ordinary residence is 40: Disputes about ordinary residence or continuity of care 41: financial adjustments between local authorities</p>	<p>19: Ordinary Residence Annex H: Ordinary residence</p>

Legislation being revoked	New Care Act Clauses	Care Act Guidance Chapter
No secrets: guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse 2000	43: Safeguarding Adults Boards 44: Safeguarding adults reviews 45: Supply of information Schedule 2: Safeguarding Adults Boards	14: Safeguarding
The Community Care (Delayed Discharges etc.) Act 2003 guidance for implementation (LAC (2003) 21)	74: Discharge of hospital patients with care and support needs See also Schedule 3	15: Integration, co-operation and partnerships Annex G: The process of managing transfers of care from hospital
The Personal Care at Home Act 2010 and Charging for Reablement (LAC (2010)6)	2: Preventing needs for care and support	2: Preventing, reducing or delaying needs
Prioritising Need in the context of putting people first: a whole system approach to eligibility for social care 2010	13: The eligibility criteria	6: Assessment and eligibility
Transforming Adult Social Care (LAC (2009)1)	Revoked	

## Notes – other legislation links

### 1. **Mental Health Act 1983**

*Section 117 Aftercare.*

*Care Act Section 75 - This makes provision for ordinary residence and also enables those on 117 aftercare to have a choice of accommodation and top up the fees if their chosen accommodation is not available.*

*Care Act Schedule 4 - Makes provision for direct payments for people subject to Section 117.*

### 2. **Mental Capacity Act 2005**

*This act applies in entirety. Care Act mentions the MCA 2005 and uses the principles throughout.*

### 3. **Human Rights Act 1998**

*Care Act Section 73 – Provides protection for individuals under the Human Rights Act 1998 IF they are funded by the Local Authority. This applies to care at home and in residential settings. This does not apply to self-funders.*