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WELSH STATUTORY INSTRUMENTS

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**2013 No. 2091 (W. 206)**

**CHILDREN AND YOUNG PERSONS, WALES**

**The Adoption Support Services and Special  
Guardianship (Wales) (Amendment) Regulations 2013**

<i>Made</i>	- - - -	<i>15 August 2013</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>23 August 2013</i>
<i>Coming into force</i>	- -	<i>1 October 2013</i>

The Welsh Ministers, in exercise of the powers conferred on them<sup>(1)</sup> by sections 2(6)(b) and (7), 4(6), 140(1), (7) and (8) and 142(1) of the Adoption and Children Act 2002<sup>(2)</sup> and by sections 14F(1) (b), (2), (7) and (8) and 104(1) of the Children Act 1989<sup>(3)</sup> make the following Regulations.

**Title, commencement and application**

1.—(1) The title of these Regulations is the Adoption Support Services and Special Guardianship (Wales) (Amendment) Regulations 2013.

(2) These Regulations come into force on 1 October 2013.

(3) These Regulations apply in relation to Wales.

**Amendment of the Adoption Support Services (Local Authorities) (Wales) Regulations 2005**

2.—(1) The Adoption Support Services (Local Authorities) (Wales) Regulations 2005<sup>(4)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation), at the end of the definition of “related person”, omit the full-stop and insert—

“universal credit” (“*credyd cynhwysol*”) means universal credit under Part 1 of the Welfare Reform Act 2012<sup>(5)</sup>.”

(3) In regulation 12 (amount of financial support)—

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(1) By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32), the functions of the National Assembly for Wales were transferred to and now vest in the Welsh Ministers.

(2) 2002 c.38.

(3) 1989 c.41. The functions of the Secretary of State under sections 14F and 104 of the Children Act 1989 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

(4) S.I. 2005/1512 (W.116).

(5) 2012 c.5.

- (a) in paragraph (6)(b) after “child tax credit” insert—
  - “, the child element of universal credit”;
- (b) after paragraph (10) insert—
  - “(11) In this regulation “the child element of universal credit” means an amount included in an award of universal credit under section 10 of the Welfare Reform Act 2012 and any regulations made under that section.”
- (4) In regulation 17(7)(c) (review of financial support) after “qualifies for” insert—  
“universal credit,”.

### **Amendment of the Special Guardianship (Wales) Regulations 2005**

- 3.—(1) The Special Guardianship (Wales) Regulations 2005(6) are amended as follows.
- (2) In regulation 1(3), after the definition of “special guardianship support services” omit “and” and insert—
  - ““universal credit” (“*credyd cynhwysol*”) means universal credit under Part 1 of the Welfare Reform Act 2012; and”.
- (3) In regulation 12(10)(b)(ii) (review of the provision of special guardianship support services) after “is in receipt of” insert—  
“universal credit,”.

*Gwenda Thomas*  
Deputy Minister for Social Services, under  
authority of the Minister for Health and Social  
Services, one of the Welsh Ministers

15 August 2013

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments to the Adoption Support Services (Local Authorities) (Wales) Regulations 2005 (“the Adoption Support Regulations”) and the Special Guardianship (Wales) Regulations 2005 (“the Special Guardianship Regulations”).

The Adoption Support Regulations make provision for local authorities in Wales to provide adoption support services as part of the service maintained by them under section 3(1) of the Adoption and Children Act 2002.

The Special Guardianship Regulations make provision in respect of special guardianship including special guardianship support services which includes services in the form of financial support.

The amendments are made as a consequence of Part 1 of the Welfare Reform Act 2012 to include reference, within the Adoption Support Regulations and the Special Guardianship Regulations, to universal credit in addition to the existing reference to benefits which will eventually be replaced by universal credit

Regulation 2 amends the Adoption Support Regulations in relation to the amount of financial support to be provided and when such support should cease.

Regulation 3 amends the Special Guardianship Regulations in relation to when financial support should cease.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Social Services Policy and Strategies Division, the Department for Health and Social Services, Welsh Government, Cathays Park, Cardiff CF10 3NQ.