

Arrangements under section 32(4) National Assistance Act 1948 between the Secretary of State and the Welsh Ministers

1. The Secretary of State and the Welsh Ministers make the following arrangements under section 32(4) of the National Assistance Act 1948 for determining which questions arising under Part 3 of that Act as to a person's ordinary residence are to be dealt with by the Secretary of State and which are to be dealt with by the Welsh Ministers.
2. In these arrangements –
 - “ordinary residence dispute” means a question arising under Part 3 of the National Assistance Act 1948 as to a person's ordinary residence; and
 - “cross-border ordinary residence dispute” means an ordinary residence dispute involving at least one local authority in England and at least one local authority in Wales.
3. The Secretary of State will determine an ordinary residence dispute which only involves local authorities in England.
4. The Welsh Ministers will determine an ordinary residence dispute which only involves local authorities in Wales.
5. The Secretary of State will determine a cross-border ordinary residence dispute where the person to whom the dispute relates is living in England at the time the dispute is referred.
6. The Welsh Ministers will determine a cross-border ordinary residence dispute where the person to whom the dispute relates is living in Wales at the time the dispute is referred.
7. In the case of cross-border ordinary residence disputes, the Welsh Ministers and the Secretary of State (each referred to in this paragraph as an “authority”) agree that each will –
 - (a) notify the other authority immediately on being made aware of the dispute;
 - (b) agree in accordance with these arrangements which authority will determine the dispute, as soon as the current address of the person to whom the dispute relates is known;

- (c) consult the other authority and take its views into account, prior to determining the dispute; and
 - (d) notify the other authority of the outcome of the determination, prior to notifying the local authorities involved in the dispute.
8. The Secretary of State and the Welsh Ministers agree that these arrangements apply to questions arising under section 2 of the Chronically Sick and Disabled Persons Act 1970 as to a person's ordinary residence¹.
9. These arrangements have effect from 19th April 2010.



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Richard Campbell
Signed on behalf of the Secretary of State

Date: 12 March 2010



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Steve Milsom
Signed on behalf of the Welsh Ministers

Date: 19 March 2010

¹ By virtue of section 2(1A) of the Chronically Sick and Disabled Persons Act 1970, subsections (3) to (5) of section 32 of the National Assistance Act 1948 apply in relation to any question arising under section 2 of the 1970 Act as to a person's ordinary residence as they apply in relation to an ordinary residence dispute.