



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 5

CHARGING AND FINANCIAL ASSESSMENT

Enforcement of debts

70 Recovery of charges, interest etc

- (1) Any amount due to a local authority under this Part is recoverable by the authority as a debt due to it.
- (2) But subsection (1) does not apply in a case where a deferred payment agreement could be entered into, in accordance with regulations under section 68, unless—
 - (a) the local authority has sought to enter into such an agreement with the person from whom the amount is due, and
 - (b) that person has refused.
- (3) An amount recoverable by a local authority under subsection (1) is recoverable summarily as a civil debt (but this does not affect any other method of recovery).
- (4) An amount is recoverable under this section within six years of the date on which the amount becomes due to the local authority.
- (5) Where a person mentioned in subsection (6) misrepresents or fails to disclose (whether fraudulently or otherwise) to a local authority any material fact in connection with the provisions of this Part, the following amounts are due to the authority from that person—
 - (a) any expenditure incurred by the authority as a result of the misrepresentation or failure, and
 - (b) any amount recoverable under this section which the authority has not recovered as a result of the misrepresentation or failure.

Status: This is the original version (as it was originally enacted).

- (6) The persons are—
- (a) an adult—
 - (i) who appears to the local authority to have needs for care and support or (in the case of a carer) support under Part 3, and
 - (ii) who has capacity to understand whether a fact may be material in connection with the provisions of this Part;
 - (b) an adult—
 - (i) to whom something is provided in order to meet another person's needs for care and support or (in the case of a carer) support under Part 3, and
 - (ii) who has capacity to understand whether a fact may be material in connection with the provisions of this Part;
 - (c) an adult of a description specified in regulations in relation to care and support or (in the case of a carer) support which appears to the local authority to be needed by—
 - (i) a child, or
 - (ii) an adult who does not have capacity to understand whether a fact may be material in connection with the provisions of this Part.
- (7) The reasonable costs incurred by a local authority in recovering or seeking to recover an amount due to it under this Part are recoverable by the authority as a debt due to it; and subsection (3) applies to the recovery of those costs as if they were amounts to which subsection (1) applies.
- (8) Regulations may—
- (a) make provision for determining the date on which an amount becomes due to a local authority for the purposes of this section;
 - (b) specify cases or circumstances in which an amount due to a local authority under this Part is not recoverable by it under this section;
 - (c) specify cases or circumstances in which a local authority may charge interest on an amount (including any costs recoverable by the authority under subsection (7)) due to it under this Part;
 - (d) where interest is chargeable, provide that it—
 - (i) must be charged at a rate that exceeds the rate specified in or determined in accordance with the regulations;
 - (ii) may not be charged at a rate that exceeds the rate specified in or determined in accordance with the regulations.