

*These notes refer to the Health and Social Care Act 2008  
(c.14) which received Royal Assent on 21 July 2008*

# HEALTH AND SOCIAL CARE ACT 2008

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## EXPLANATORY NOTES

### BACKGROUND AND SUMMARY

#### Part 5 – Miscellaneous

##### Abolition of maintenance liability of relatives

61. The liable relatives rule is set out in sections 42 and 43 of the National Assistance Act 1948 and in various other provisions mentioned in section 147. The liable relatives rule provides that spouses are liable to maintain each other and parents are liable to maintain their children. Local authorities have discretionary powers to ask such “liable relatives” to contribute to the cost of care should a relative for whom they are liable require assistance from the council. This power is inconsistently applied by local authorities across the country. The origins of the liable relatives rule date back to the time before the welfare state, when divorce was rare and there was only one breadwinner in the family, and it was commonly accepted that one spouse should support the other. These principles are now out of date, and do not apply to other aspects of the benefits system such as Pensions Credits. The Act will remove the powers of local authorities to seek liable relatives payments. This will bring the operating principles for the charging policy for social care in line with those that are used in the rest of the health and social care system.