

# CARE ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1 – Care and Support**

#### **Enforcement of debts**

#### *Section 70 – Transfer of assets to avoid charges*

413. Where a person's needs for care and support have been or are being met by a local authority, the local authority may, under section 14, impose a charge on the person to cover all or part of the cost of meeting the person's needs. If the person has transferred assets to another individual in order to avoid these charges, *subsections (2) and (4)* enable the local authority to recover the lost income from the individual, or individuals.
414. *Subsection (3)* limits the amount the local authority may recover so that it cannot recover more than the individual gained from the transfer.
415. What constitutes an asset and how it should be valued, is set out in *subsections (5) and (6)*.