

2014 No. 2840

SOCIAL CARE, ENGLAND

**The Care and Support (Personal Budget: Exclusion of Costs)
Regulations 2014**

Made - - - - - *20th October 2014*

Laid before Parliament *28th October 2014*

Coming into force in accordance with regulation 1(1)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 26(4) and 125(7) of the Care Act 2014(a).

Citation, interpretation and commencement

1.—(1) These Regulations may be cited as the Care and Support (Personal Budget: Exclusion of Costs) Regulations 2014 and come into force immediately after section 26(4) of the Care Act comes fully into force.

(2) In these Regulations—

“the Act” means the Care Act 2014;

“intermediate care and reablement support services” means care and support or support provided to an adult by a local authority(b) under section 18, 19 or 20 of the Act which—

- (a) consists of a programme of care and support or support;
- (b) is for a specified period of time; and
- (c) has as its purpose the provision of assistance to an adult to enable the adult to maintain or regain the ability needed to live independently in their own home.

Costs excluded from a personal budget

2.—(1) The costs to which paragraph (2) applies are costs which must be excluded from a personal budget(c).

(2) This paragraph applies to the costs to a local authority of meeting needs where it meets those needs by the provision of intermediate care and reablement services if—

- (a) by regulations under section 14 of the Act it is not permitted to make a charge for meeting needs by the provision of such services; or
- (b) it is permitted to make a charge but nevertheless it does not make a charge to any adult to whom it provides such services.

(a) 2014 c.23. The powers to make regulations are exercisable by the Secretary of State; *see* section 125(1) of the Act (“the Act”).
(b) *See* section 1(4) of the Act for the meaning of “local authority”; the definition is limited to local authorities in England.
(c) *See* section 26 of the Act for the meaning of “personal budget”.

Signed by authority of the Secretary of State for Health.

20th October 2014

Norman Lamb
Minister of State
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that a local authority must exclude costs of meeting needs from a person's personal budget in certain circumstances if the costs are incurred in meeting needs by the provision to the person of intermediate care and reablement support services.

Regulation 2 provides that in cases where intermediate care and reablement support services are provided, the costs of doing so must be excluded from the adult's personal budget if the local authority is not permitted to make a charge for providing the services by regulations made under section 14 of the Care Act 2014, or, if it is permitted to make a charge, it does not do so.

A separate impact assessment has not been prepared for these Regulations. These Regulations are part of a package of legislative measures and the relevant impact assessment can be requested via careactconsultation@dh.gsi.gov.uk or the Department of Health, Richmond House, 79 Whitehall, London SW1A 2NS and is available online at <https://www.gov.uk/government/organisations/department-of-health>.

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