

2017 No. 555

SOCIAL CARE, ENGLAND

**The Care and Support (Charging and Assessment of Resources)
(Amendment) Regulations 2017**

<i>Made</i> - - - -	<i>8th April 2017</i>
<i>Laid before Parliament</i>	<i>10th April 2017</i>
<i>Coming into force</i> - -	<i>10th April 2017</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 17(7), (11)(a), and (12)(a), and 125(7) of the Care Act 2014(a):

Citation and commencement

1. These Regulations may be cited as the Care and Support (Charging and Assessment of Resources) (Amendment) Regulations 2017 and come into force on 10th April 2017.

Amendment of the Care and Support (Charging and Assessment of Resources) Regulations 2014

2. Part 1 of Schedule 1 to the Care and Support (Charging and Assessment of Resources) Regulations 2014(b) (sums to be disregarded in the calculation of income) is amended as follows—

- (a) in paragraph 17, for “and as if the reference in paragraph 16(a)” to the end of the paragraph, substitute—
 - “and as if in paragraph 16(a) of Schedule 9 to the Income Support Regulations—
 - (a) the reference to a war disablement pension did not include a reference to a war disablement pension falling within paragraph 17A of this Schedule, and
 - (b) the reference to paragraph 8 or 9 of that Schedule 9 were a reference to paragraph 10 or 11 of this Schedule.”,
- (b) after paragraph 17, insert—
 - “**17A.**—(1) Any war disablement pension paid to the adult in respect of their service in the armed forces, other than—
 - (a) any amount of such pension which is to be disregarded under paragraph 10 or paragraph 11 of this Schedule,
 - (b) any award of constant attendance allowance.
 - (2) In this paragraph—

(a) 2014 c.23.
(b) S.I. 2014/2672, as amended by S.I. 2015/644.

“constant attendance allowance” means the allowance described in article 8 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006(a),

“war disablement pension” means any retired pay or pension or allowance payable in respect of disablement under—

- (a) an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003(b),
- (b) the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.”.

Signed by the authority of the Secretary of State for Health.

David Mowat
Parliamentary Under-Secretary of State,
Department of Health

8th April 2017

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Care and Support (Charging and Assessment of Resources) Regulations 2014 (“the 2014 Regulations”), made under Part 1 of the Care Act 2014, make provision about the powers of local authorities to charge adults for meeting their care or support needs (or both). Before a local authority may make a charge for meeting such needs, it must carry out a financial assessment of the adult’s financial resources. The 2014 Regulations make provision about the carrying out of the financial assessment, and specify sums which must be disregarded by the local authority in calculating an adult’s income and capital.

The 2014 Regulations provide that only the first £10 of a war disablement pension received by an adult (in essence any retired pay or pension or allowance payable in respect of disablement arising from service prior to 6th April 2005) must be disregarded in calculating the adult’s income.

These Regulations amend the 2014 Regulations to provide that any war disablement pension paid to an adult in respect of the adult’s own service in the armed forces (with the exception of any allowance for constant attendance which is awarded in cases of significant disability) must be disregarded in full.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.

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(a) S.I. 2006/606, as amended by S.I. 2009/706.

(b) 2003 c.1. Section 639(2) was inserted by section 19(4) of the Finance Act 2005 (c.7). The instruments specified are: Defence (Local Defence Volunteers) Regulations 1940 (S.R. & O. 1940/748), War Pensions (Coastguards) Scheme 1944 (S.R. & O. 1944/500), War Pensions (Naval Auxiliary Personnel) Scheme 1964 (S.I.1964/1985), Pensions (Polish Forces) Scheme 1964 (S.I.1964/2007), War Pensions (Mercantile Marine) Scheme 1964 (S.I.1964/2058), Order by Her Majesty concerning pensions and other grants in respect of disablement or death due to service in the Home Guard (1964 Cmnd. 2563), Order by Her Majesty concerning pensions and other grants in respect of disablement or death due to service in the Home Guard after 27th April 1952 (1964 Cmnd. 2564), Order by Her Majesty concerning pensions and other grants in respect of disablement or death due to service in the Ulster Defence Regiment (1971 Cmnd. 4567), Personal Injuries (Civilians) Scheme 1983 (S.I.1983/686), and Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 (S.I.1983/883).

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