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WELSH STATUTORY INSTRUMENTS

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**2011 No. 963**

**The Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011**

**Failure to respond to an invitation to request a means assessment**

**10.**—(1) Where D fails to respond to an invitation in accordance with regulation 8, a local authority may determine that D is required to pay the standard amount towards the cost of securing the service which was the subject of the invitation.

(2) A local authority's power to require D to pay the standard amount in accordance with paragraph (1) is subject to the maximum reasonable amount prescribed in regulation 5.

(3) Where paragraph (1) applies, D will be required to pay the standard amount imposed by the local authority from the date that a statement is provided by the local authority in accordance with regulation 19.

(4) If D responds to an invitation to request a means assessment after a local authority has determined, in accordance with paragraph (1), to require D to pay the standard amount or, where relevant, the maximum reasonable amount—

- (a) the local authority must proceed to undertake an assessment of D's means in accordance with regulations 13 and 16 and to make a determination of D's ability to pay in accordance with regulation 17;
- (b) the actions taken by the local authority under sub-paragraph (a) will not affect the liability of D to pay any amount or amounts which he or she has been required to pay towards the cost of securing a service from the date that the statement referred to in paragraph (3) was provided; and
- (c) the statement provided in accordance with regulation 19 as a result of the assessment and determination referred to in sub-paragraph (a) ("the second statement") ("yr ail ddatganiad") will replace the statement provided in accordance with paragraph (3) and the second statement will take effect from the date that it is provided.