
WELSH STATUTORY INSTRUMENTS

2015 No. 1841

The Care and Support (Deferred Payment) (Wales) Regulations 2015

Local authority required to enter into a deferred payment agreement

3.—(1) A local authority⁽¹⁾ is required to enter into a deferred payment agreement with an adult if—

- (a) paragraph (2) applies to the adult;
- (b) the condition in regulation 4 is met; and
- (c) the adult agrees to all the terms and conditions included in the deferred payment agreement in accordance with regulation 11.

(2) This paragraph applies if—

- (a) the adult's needs for care and support are being met (or are going to be met) under section 35 or section 36(1) of the Act and the care and support plan for the adult specifies that the local authority is going to meet the adult's needs by the provision of accommodation in a care home⁽²⁾;
- (b) the adult is required (or is going to be required) to pay a charge under section 59 of the Act;
- (c) the local authority has carried out a financial assessment under section 63 of the Act;
- (d) the local authority is satisfied that the adult has an interest in a property which the adult occupies as his or her home or which the adult used to occupy as his or her home⁽³⁾, and that—
 - (i) the value of that interest has not been disregarded for the purposes of calculating the amount of the adult's capital in accordance with regulations made under section 64 of the Act⁽⁴⁾, and
 - (ii) the adult's capital, less the value of that interest, does not exceed the capital limit; and
- (e) the adult's weekly assessed income is insufficient to meet the full amount due from the adult under section 59 of the Act for the provision of care and support in a care home and any amount the adult is required to pay in accordance with regulations made under section 57(2)⁽⁵⁾ of the Act.

⁽¹⁾ See section 197(1) of the Act as to the meaning of "local authority"; the definition in section 197(1) is limited to local authorities in Wales.

⁽²⁾ See section 197(1) of the Act for the meaning of "care home".

⁽³⁾ See section 68(10) of the Act which provides that a reference to person's home is a reference to the property which the person occupies as his or her only or main residence, and a reference to a person's interest in a property is a reference to the person's legal or beneficial interest in that property.

⁽⁴⁾ See the Care and Support (Financial Assessment) (Wales) Regulations 2015 which make provision for calculating capital.

⁽⁵⁾ Section 57(2) of the Act permits the making of regulations by the Welsh Ministers which provide for the payment of additional costs where a person expresses a preference for particular accommodation (where the costs of that accommodation are in excess of the amount that the local authority would usually expect to incur in providing or arranging the provision of accommodation to meet that person's needs).