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WELSH STATUTORY INSTRUMENTS

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**2015 No. 1841**

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

**Adult's contribution**

6.—(1) If in any week during which the deferred payment agreement is in force the adult's weekly assessed income exceeds the amount of the appropriate minimum guarantee applicable in the adult's case, the local authority is permitted not to defer an amount due to the local authority under section 59 of the Act and any amount the adult is required to pay in accordance with regulations made under section 57(2) of the Act for meeting the adult's needs for that week by the provision of accommodation in a care home.

(2) But the amount which, under this regulation, the local authority may decide not to defer in respect of that week may not exceed the amount by which the adult's assessed income in that week exceeds the amount of the appropriate minimum guarantee.

(3) Where the local authority decides not to defer an amount under paragraph (1), it may include a term in the deferred payment agreement to require the adult to pay or ensure payment of the amount due to the local authority.

(4) In paragraph (3) the amount due to the local authority is the amount which, in accordance with this regulation, the local authority decides not to defer.

(5) The amount of the adult's weekly assessed income must be calculated in accordance with regulations made under section 64 of the Act.

(6) But nothing in this regulation requires the local authority to defer any amount which is due to it under section 59 of the Act or in accordance with regulations made under section 57(2) of the Act if, under paragraph (3), or in accordance with the terms of the deferred payment agreement, the local authority is permitted to cease to defer that amount.

(7) For the purposes of paragraphs (1) and (2), the "appropriate minimum guarantee" (*"gwarant isafswm briodol"*) is to be construed in accordance with section 2(3) of the State Pension Credit Act 2002(1).