



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 5

CHARGING AND FINANCIAL ASSESSMENT

Enforcement of debts

72 Transfer of assets to avoid charges

- (1) This section applies in a case where the needs of a person (“P”) have been or are being met by a local authority under sections 35 to 42 or section 45 and where—
 - (a) a person (“the transferor”) (who may be P but need not be so) has transferred an asset to another person (a “transferee”),
 - (b) the transfer was undertaken with the intention of avoiding charges for having P’s needs met, and
 - (c) either the consideration for the transfer was less than the value of the asset or there was no consideration for the transfer.
- (2) The transferee is liable to pay to the local authority an amount equal to the difference between—
 - (a) the amount the authority would have charged the transferor were it not for the transfer of the asset, and
 - (b) the amount it did in fact charge the transferor.
- (3) But the transferee is not liable to pay to the authority an amount which exceeds the benefit accruing to the transferee from the transfer.
- (4) Where an asset has been transferred to more than one transferee, the liability of each transferee is in proportion to the benefit accruing to that transferee from the transfer.
- (5) In this section “asset” means anything which may be taken into account for the purposes of a financial assessment.

Status: This is the original version (as it was originally enacted).

- (6) The value of an asset (other than cash) is the amount which would have been realised if it had been sold on the open market by a willing seller at the time of the transfer, with a deduction for—
- (a) the amount of any encumbrance on the asset, and
 - (b) a reasonable amount in respect of the expenses of the sale.
- (7) Regulations may specify cases or circumstances in which liability under subsection (2) does not arise.