



Community Care and Health (Scotland) Act 2002

2002 asp 5

PART 1

COMMUNITY CARE

Accommodation

6 Deferred payment of accommodation costs

(1) Where—

- (a) a local authority are providing, or have secured the provision of, residential accommodation for a person under the 1968 Act or [F1 section 25 of the 2003 Act (provision of care and support services for persons who have or have had a mental disorder)], or are proposing to make or secure such provision; and
- (b) that person is or would be liable, by virtue of section 87(3) of the 1968 Act (charges that may be made for accommodation) or section 4 of this Act, to make any payment to the authority in respect of the accommodation,

the authority may, in accordance with regulations made by the Scottish Ministers, and must, if the Scottish Ministers so direct, in accordance with such regulations and with that direction, enter into a deferred payment agreement with the person.

(2) A “deferred payment agreement” is an agreement which provides—

- (a) that payment of the portion mentioned in subsection (3) below (the “relevant portion”) of all or certain payments for which the person is, or would be, liable as mentioned in subsection (1)(b) above from a date specified in the agreement (which may be earlier than the date on which the agreement takes effect) will be deferred until, and become due on whichever is the earlier of—
 - (i) the expiry of 56 days after the date of death of the person; or
 - (ii) such date as may be specified in a written notice of termination of the agreement given to the authority by that person in accordance with the agreement;

- (b) that—

Status: Point in time view as at 05/10/2005.

Changes to legislation: *There are currently no known outstanding effects for the Community Care and Health (Scotland) Act 2002, Section 6. (See end of Document for details)*

- (i) no interest will accrue in respect of the relevant portion while payment of that portion is deferred; but
 - (ii) interest will accrue in respect of the relevant portion from the earlier of the dates mentioned in sub-paragraphs (i) and (ii) of paragraph (a) above, until the date payment of that portion is made, the rate being such as may be determined by the authority in accordance with directions given to them by the Scottish Ministers;
- (c) that the person will grant in favour of the authority a standard security for the purpose of securing the payment to them of such amounts as the authority determine are a reasonable estimate of—
- (i) the relevant portion of payments deferred as mentioned in paragraph (a) above until the expiry of the time mentioned in sub-paragraph (i) of that paragraph; and
 - (ii) the amount of interest on that portion which might accrue thereafter in accordance with paragraph (b)(ii) above; and
- (d) for such other matters as may be determined by the local authority.
- (3) The relevant portion is such portion of the payments as may be specified in, or determined in accordance with, the regulations.
- (4) Any determination by a local authority under subsection (2) above must accord with any directions given to them under this section by the Scottish Ministers.
- (5) Directions given by the Scottish Ministers under this section must be given to local authorities collectively.

Textual Amendments

- F1** Words in s. 6(1)(a) substituted (5.10.2005) by [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003 \(asp 13\)](#), s. 333(2), [sch. 4 para. 12\(3\)](#); S.S.I. 2005/161, art. 3 (as substituted (1.7.2005) by S.S.I. 2005/375, art. 2 and as amended (22.9.2005) by S.S.I. 2005/459, art. 2)

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