



# Care Act 2014

## 2014 CHAPTER 23

### PART 1

#### CARE AND SUPPORT

##### *Enforcement of debts*

#### **69 Recovery of charges, interest etc.**

- (1) Any sum due to a local authority under this Part is recoverable by the authority as a debt due to it.
- (2) But subsection (1) does not apply in a case where a deferred payment agreement could, in accordance with regulations under section 34(1), be entered into, unless—
  - (a) the local authority has sought to enter into such an agreement with the adult from whom the sum is due, and
  - (b) the adult has refused.
- (3) A sum is recoverable under this section—
  - (a) in a case in which the sum becomes due to the local authority on or after the commencement of this section, within six years of the date the sum becomes due;
  - (b) in any other case, within three years of the date on which it becomes due.
- (4) Where a person misrepresents or fails to disclose (whether fraudulently or otherwise) to a local authority any material fact in connection with the provisions of this Part, the following sums are due to the authority from the person—
  - (a) any expenditure incurred by the authority as a result of the misrepresentation or failure, and
  - (b) any sum recoverable under this section which the authority has not recovered as a result of the misrepresentation or failure.
- (5) The costs incurred by a local authority in recovering or seeking to recover a sum due to it under this Part are recoverable by the authority as a debt due to it.

*Changes to legislation: Care Act 2014, Cross Heading: Enforcement of debts is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) Regulations may—

- (a) make provision for determining the date on which a sum becomes due to a local authority for the purposes of this section;
- (b) specify cases or circumstances in which a sum due to a local authority under this Part is not recoverable by it under this section;
- (c) specify cases or circumstances in which a local authority may charge interest on a sum due to it under this Part;
- (d) where interest is chargeable, provide that it—
  - (i) must be charged at a rate specified in or determined in accordance with the regulations, or
  - (ii) may not be charged at a rate that exceeds the rate specified in or determined in accordance with the regulations.

**Modifications etc. (not altering text)**

- C1** Pt. 1 modified (1.4.2015) by [The Care and Support \(Isles of Scilly\) Order 2015 \(S.I. 2015/642\)](#), [arts. 1, 2\(2\)\(a\)](#); [S.I. 2015/993](#), [art. 2\(a\)](#)
- C2** Pt. 1 applied in part (with modifications) (1.4.2015 coming into force in accordance with reg. 1(1)) by [The Care and Support \(Children's Carers\) Regulations 2015 \(S.I. 2015/305\)](#), [regs. 1\(1\), 2\(1\)\(a\)\(2\), 4-12](#); [S.I. 2015/993](#), [art. 2\(q\)](#)

**Commencement Information**

- II** S. 69 in force at 1.4.2015 by [S.I. 2015/993](#), [art. 2\(q\)](#) (with transitional provisions in [S.I. 2015/995](#))

## 70 Transfer of assets to avoid charges

- (1) This section applies in a case where an adult's needs have been or are being met by a local authority under sections 18 to 20 and where—
  - (a) the adult has transferred an asset to another person (a “transferee”),
  - (b) the transfer was undertaken with the intention of avoiding charges for having the adult'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 adult were it not for the transfer of the asset, and
  - (b) the amount it did in fact charge the adult.
- (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) “Asset” means anything which may be taken into account for the purposes of a financial assessment.

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- (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 incumbrance 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.

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**Commencement Information**

**I2** S. 70 in force at 1.4.2015 by [S.I. 2015/993](#), [art. 2\(q\)](#) (with transitional provisions in [S.I. 2015/995](#))

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 15(2)-(3B) substituted for s. 15(2)(3) by [2022 c. 31 s. 166\(2\)](#)
- s. 26(1)-(2A) substituted for s. 26(1)(2) by [2022 c. 31 s. 166\(4\)](#)