



# Care Act 2014

## 2014 CHAPTER 23

### PART 1

#### CARE AND SUPPORT

##### *Enforcement of debts*

#### **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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*Status: Point in time view as at 01/04/2015.*

*Changes to legislation: Care Act 2014, Section 70 is up to date with all changes known to be in force on or before 01 June 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)*

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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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**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\(q\)](#)
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**Commencement Information**

- I1** S. 70 in force at 1.4.2015 by [S.I. 2015/993](#), [art. 2\(q\)](#) (with transitional provisions in [S.I. 2015/995](#))

**Status:**

Point in time view as at 01/04/2015.

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