



# Social Care Charges (Wales) Measure 2010

2010 nawm 2

## **9 Replacement by authority of determinations as to ability to pay**

- (1) If a local authority reasonably considers that any one or more of the conditions in subsection (4) is met, the authority may in accordance with this section replace a determination given under section 7(1), or under this subsection, with a new determination.
- (2) In a case where regulations under section 4(1)(d) impose a duty in respect of the service to which the determination relates, the authority's power under subsection (1) is subject to section 4(2).
- (3) A determination under subsection (1) may differ from the determination which it replaces only to the extent considered appropriate by the authority in the light of the condition or conditions in subsection (4) which the authority considers to be met.
- (4) The conditions referred to in subsection (1) are that—
  - (a) there has been a change in the income or capital of the person who is the subject of the determination;
  - (b) there has been a change in the cost of providing the service to which the determination relates (including a change resulting from a change in the level at which or degree to which the service is provided);
  - (c) the authority has changed its policy about the exercise of its power to charge under section 1;
  - (d) there has been some other change of circumstance which falls within a description specified in regulations made by the Welsh Ministers;
  - (e) a mistake was made when the determination was made.