



# Care Act 2014

## 2014 CHAPTER 23

### PART 1

#### CARE AND SUPPORT

*Deferred payment agreements, etc.*

#### **34 Deferred payment agreements and loans**

- (1) Regulations may, in such cases or circumstances and subject to such conditions as may be specified, require or permit a local authority to enter into a deferred payment agreement with an adult.
- (2) A “deferred payment agreement” is an agreement under which a local authority agrees not to require until the specified time either or both of the following—
  - (a) the payment of the specified part of the amounts due from an adult to the authority under such provision of this Part or of regulations under this Part as is specified in regulations;
  - (b) the repayment of the specified part of a loan made under the agreement by the authority to an adult for the purpose of assisting the adult to obtain the provision of care and support for the adult.
- (3) The care and support mentioned in subsection (2)(b) includes care and support the provision of which—
  - (a) the authority does not consider to be necessary to meet the adult’s needs;
  - (b) is in addition to care and support which is being provided, arranged for, or paid for (in whole or in part) by the authority.
- (4) Regulations under subsection (1) may, in particular, prohibit a local authority from entering into, or permit it to refuse to enter into, a deferred payment agreement unless it obtains adequate security for the payment of the adult’s deferred amount.
- (5) Regulations may specify what constitutes adequate security for the purposes of subsection (4); they may, for example, specify—

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*Status: This is the original version (as it was originally enacted).*

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- (a) an obligation on the adult to give the authority a charge over the adult’s legal or beneficial interest in the property which the adult occupies as his or her only or main residence (or in a property which the adult used to occupy as such) to secure payment of the adult’s deferred amount;
  - (b) a guarantee from another person to pay the adult’s deferred amount.
- (6) A reference in this section or section 35 to an adult’s deferred amount, in relation to a deferred payment agreement, is a reference to the amount of which the local authority agrees not to require payment or repayment until the specified time.
- (7) “Specified”, in relation to a time or a part of an amount or loan, means specified in or determined in accordance with regulations; and the specified part of an amount or loan may be 100%.
- (8) This section applies in relation to an agreement under which a local authority agrees to make a loan to an adult for the purpose of assisting the adult to obtain the provision of care and support for the adult as it applies in relation to a deferred payment agreement; and for that purpose—
  - (a) the reference in subsection (3) to subsection (2)(b) is to be read as a reference to this subsection; and
  - (b) the references in subsections (4) and (5) to payment of the adult’s deferred amount are to be read as references to repayment of the loan.