
STATUTORY INSTRUMENTS

2014 No. 2671

The Care and Support (Deferred Payment) Regulations 2014

Local authority permitted to enter into a deferred payment agreement

3.—(1) A local authority is permitted to enter into a deferred payment agreement with an adult if—

- (a) the adult's needs for care and support—
 - (i) are being met or are going to be met under section 18 or section 19(1) or (2) and the care and support plan for the adult specifies that the local authority is going to meet the adult's needs by the provision to the adult of accommodation in a care home or supported living accommodation; or
 - (ii) are not being or going to be met by the local authority and the local authority considers that if it had been asked to meet the adult's needs it would have done so under section 18 or section 19(1) or (2) and it would have met the adult's needs by the provision to the adult of accommodation in a care home or supported living accommodation;
- (b) the condition in regulation 4 is met; and
- (c) the adult agrees to all the terms and conditions included in the agreement in accordance with regulation 11.

(2) For the purpose of paragraph (1), “supported living accommodation” means accommodation which is not a care home and is—

- (a) in premises which are specifically designed or adapted for occupation by adults with needs for care and support to enable them to live as independently as possible; or
- (b) provided—
 - (i) in premises which are intended for occupation by adults with needs for care and support (whether or not the premises are specifically designed or adapted for that purpose); and
 - (ii) in circumstances in which personal care is available if required.

(3) For the purposes of paragraph (2)(b)(ii), personal care may be provided by a person other than the person who provides the accommodation.

- (4) The accommodation referred to in paragraph (2) does not include premises—
 - (a) in respect of which the adult is for the time being entitled to dispose of the fee simple, whether or not with the consent of other joint owners; or
 - (b) which the adult occupies other than under a licence or tenancy agreement.
- (5) In paragraph (4) “tenancy” means a tenancy which is not a long tenancy.