
WELSH STATUTORY INSTRUMENTS

2017 No. 214

**The Care and Support (Choice of Accommodation,
Charging and Financial Assessment) (Miscellaneous
Amendments) (Wales) Regulations 2017**

Amendments to the Care and Support (Charging) (Wales) Regulations 2015

3. The Care and Support (Charging) (Wales) Regulations 2015(1) are amended as follows—
- (a) in regulation 1(4)—
 - (i) omit the definition of “capital limit”;
 - (ii) in the appropriate place insert the following—

““relevant capital limit” (*“terfyn cyfalaf perthnasol”*) means the maximum amount of capital, assessed in accordance with the Financial Assessment Regulations, which a chargeable person may have depending on whether their need is for care and support which is residential or non-residential, above which that person will be required, in accordance with regulation 11 to meet the standard charge in full;”;
 - (iii) in the definition of “financial limit” for “capital limit” substitute “relevant capital limit”;
 - (b) in regulation 7(1) for “£60” substitute “£70”;
 - (c) in regulation 8(3)(d) for “(capital limit)” substitute “(relevant capital limit)”;
 - (d) in regulation 9(1) for “non-residential” substitute “residential”;
 - (e) in regulation 11 (capital limit)—
 - (i) in paragraph (1) for “capital limit” substitute “relevant capital limit”;
 - (ii) for paragraph (2) substitute—

“(2) The following are the financial limits for the purposes of section 66(5) of the Act—

 - (a) the relevant capital limit for the purposes of residential care is £30,000;
 - (b) the relevant capital limit for the purposes of non-residential care is £24,000.”;
 - (iii) in paragraph (3) for “capital limit” substitute “relevant capital limit”;
 - (iv) in the heading of regulation 11 for “Capital limit” substitute “Relevant capital limit”;
 - (f) in regulation 13 (minimum income amount where a person is provided with accommodation in a care home), for “£26.50” substitute “£27.50”;
 - (g) in regulation 15 (revised determination), for paragraph (2) substitute—

“(2) Where a local authority makes a further determination of A’s ability to pay a charge in accordance with this regulation—

- (a) it must provide A with a statement of the revised determination; and
 - (b) it must reimburse A for any overcharge for care and support which was provided or arranged before the revised determination; or
 - (c) it may require A to pay any additional charge for care and support which was provided or arranged before the revised determination.”;
- (h) in regulation 22(1) for “£60” substitute “£70”;
 - (i) in regulation 23(3)(d) for “(capital limit)” substitute “(relevant capital limit)”;
 - (j) in regulation 26 (capital limits-direct payments)—
 - (i) in paragraphs (1) and (2) for “capital limit” substitute “relevant capital limit”;
 - (ii) in the heading of regulation 26 for “Capital limit-direct payments” substitute “Relevant capital limit – direct payments”;
 - (k) in regulation 28 (minimum income amount where a person is provided with accommodation in a care home) for “£26.50” substitute “£27.50”;
 - (l) in regulation 30 (revised determination – direct payments) for paragraph (2) substitute—
 - “(2) Where a local authority makes a further determination of B’s ability to pay a contribution or reimbursement in accordance with this regulation—
 - (a) it must provide B with a statement of the revised determination; and
 - (b) it must reimburse B for any overcharge of a contribution or reimbursement made before the revised determination; or
 - (c) it may require B to pay any additional contribution or reimbursement in relation to any payments made before the revised determination.”