



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 5

CHARGING AND FINANCIAL ASSESSMENT

Charging for meeting needs

68 Deferred payment agreements

- (1) Regulations may specify cases or circumstances in which, or conditions subject to which, a local authority may or must enter into a deferred payment agreement with a person who is required (or is going to be required) to pay a charge under section 59.
- (2) A deferred payment agreement is an agreement under which—
 - (a) the local authority agrees not to require payment of the person's required amount until the time specified in or determined in accordance with the regulations, and
 - (b) the person agrees to give the local authority a charge over the person's interest in his or her home to secure payment of the person's required amount.
- (3) The person's required amount is so much of the charge that the person is required (or is going to be required) to pay under section 59 as is specified in or determined in accordance with the regulations.
- (4) The regulations may require or permit the local authority to charge—
 - (a) interest on the person's required amount;
 - (b) such amount relating to the local authority's administrative costs as is specified in or determined in accordance with the regulations;
 - (c) interest on an amount charged under paragraph (b).

Changes to legislation: Social Services and Well-being (Wales) Act 2014, Section 68 is up to date with all changes known to be in force on or before 16 May 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) View outstanding changes

- (5) The regulations may provide for interest referred to in subsection (4)(a) to be charged by means of an obligation in the deferred payment agreement and to be treated in the same way as the person's required amount.
- (6) The regulations may—
 - (a) specify costs which are, or which are not, to be regarded as administrative costs for the purposes of subsection (4)(b);
 - (b) provide for an amount referred to in subsection (4)(b) or for interest referred to in subsection (4)(c) to be charged by means of an obligation in the deferred payment agreement and to be treated in the same way as the person's required amount.
- (7) The local authority may not charge interest under regulations made under subsection (4) at a rate that exceeds the rate specified in or determined in accordance with the regulations.
- (8) The regulations must make provision about the duration of the agreement and for its termination by either party; the regulations must, among other things, enable the person to terminate it and the charge to which it gives effect by—
 - (a) giving the local authority notice, and
 - (b) paying the authority the full amount for which the person is liable with respect to the person's required amount and any amount charged under regulations made by virtue of subsection (4).
- (9) The regulations may make provision as to the rights and obligations of the local authority and the person where the person disposes of the interest to which the agreement relates and acquires an interest in another property in Wales or England; the regulations may, for example, make provision—
 - (a) for the local authority not to require payment of the amounts referred to in subsection (8)(b) until a time specified in or determined in accordance with the regulations, and
 - (b) for the person to give the local authority a charge over his or her interest in the other property.
- (10) A reference to a person's home is a reference to the property which the person occupies as his or her only or main residence; and a reference to a person's interest in a property is a reference to the person's legal or beneficial interest in that property.
- (11) Regulations may apply this section, with or without modifications, for the purpose of enabling a person to agree to give a charge over the person's interest in a property in Wales or England which he or she used to occupy as his or her only or main residence.

Commencement Information

II S. 68 in force at 6.4.2016 by S.I. 2016/412, art. 2 (with art. 4, Schs. 1, 2)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 162(4)(ga) inserted by [2022 asc 1 Sch. 4 para. 30\(2\)\(b\)](#)
- s. 163(4A) inserted by [2014 c. 23 s. 75\(10\)](#) (Effect inserting (4) not applied at s. 163 as it appears to relate to s. 194 in view of the title of the section as cited i.e. "ordinary residence". In s. 194 another (4), identically worded, is inserted on the same date by S.I. 2016/413, regs. 2(1), 316(a))