



Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

Enforcement of debts

69 Recovery of charges, interest etc.

- (1) Any sum due to a local authority under this Part is recoverable by the authority as a debt due to it.
- (2) But subsection (1) does not apply in a case where a deferred payment agreement could, in accordance with regulations under section 34(1), be entered into, unless—
 - (a) the local authority has sought to enter into such an agreement with the adult from whom the sum is due, and
 - (b) the adult has refused.
- (3) A sum is recoverable under this section—
 - (a) in a case in which the sum becomes due to the local authority on or after the commencement of this section, within six years of the date the sum becomes due;
 - (b) in any other case, within three years of the date on which it becomes due.
- (4) Where a person misrepresents or fails to disclose (whether fraudulently or otherwise) to a local authority any material fact in connection with the provisions of this Part, the following sums are due to the authority from the person—
 - (a) any expenditure incurred by the authority as a result of the misrepresentation or failure, and
 - (b) any sum recoverable under this section which the authority has not recovered as a result of the misrepresentation or failure.
- (5) The costs incurred by a local authority in recovering or seeking to recover a sum due to it under this Part are recoverable by the authority as a debt due to it.

Status: This is the original version (as it was originally enacted).

(6) Regulations may—

- (a) make provision for determining the date on which a sum becomes due to a local authority for the purposes of this section;
- (b) specify cases or circumstances in which a sum due to a local authority under this Part is not recoverable by it under this section;
- (c) specify cases or circumstances in which a local authority may charge interest on a sum due to it under this Part;
- (d) where interest is chargeable, provide that it—
 - (i) must be charged at a rate specified in or determined in accordance with the regulations, or
 - (ii) may not be charged at a rate that exceeds the rate specified in or determined in accordance with the regulations.