



National Health Service and Community Care Act 1990

1990 CHAPTER 19

PART III

COMMUNITY CARE: ENGLAND AND WALES

Provision of accommodation and welfare services

VALID FROM 12/04/1993

45 Recovery of charges due to local authorities for accommodation.

(1) In section 21 of the ^{M1}Health and Social Services and Social Security Adjudication Act 1983 (recovery of sums due to local authority where persons in residential accommodation have disposed of assets) after subsection (3) there shall be inserted—

“(3A) If the Secretary of State so directs, subsection (1) above shall not apply in such cases as may be specified in the direction.”

(2) In sections 22 and 23 of that Act (which make provision as to arrears of contributions charged on interests in land in England and Wales and in Scotland respectively) after subsection (2) there shall be inserted—

“(2A) In determining whether to exercise their power under subsection (1) above and in making any determination under subsection (2) above, the local authority shall comply with any directions given to them by the Secretary of State as to the exercise of those functions.”

(3) In section 24 of that Act (interest on sums charged on or secured over interests in land) for subsection (2) there shall be substituted—

Status: Point in time view as at 01/04/1993. This version of this provision is not valid for this point in time.

Changes to legislation: National Health Service and Community Care Act 1990, Section 45 is up to date with all changes known to be in force on or before 17 September 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)

“(2) The rate of interest shall be such reasonable rate as the Secretary of State may direct or, if no such direction is given, as the local authority may determine.”

Commencement Information

II S. 45 wholly in force at 12.4.1993 see s. 67(2) and S.I. 1992/2975, art. 2(3)(a).

Marginal Citations

M1 1983 c. 41.

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