



Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

Establishing where a person lives, etc.

40 Disputes about ordinary residence or continuity of care

- (1) Any dispute about where an adult is ordinarily resident for the purposes of this Part, or any dispute between local authorities under section 37 about the application of that section, is to be determined by—
 - (a) the Secretary of State, or
 - (b) where the Secretary of State appoints a person for that purpose (the “appointed person”), that person.
- (2) The Secretary of State or appointed person may review a determination under subsection (1), provided that the review begins within 3 months of the date of the determination.
- (3) Having carried out a review under subsection (2), the Secretary of State or appointed person must—
 - (a) confirm the original determination, or
 - (b) substitute a different determination.
- (4) Regulations may make further provision about resolution of disputes of the type mentioned in subsection (1); the regulations may, for example, include—
 - (a) provision for ensuring that care and support is provided to the adult while the dispute is unresolved;
 - (b) provision requiring the local authorities in dispute to take specified steps before referring the dispute to the Secretary of State or (as the case may be) the appointed person;

Status: Point in time view as at 11/04/2018.

Changes to legislation: Care Act 2014, Section 40 is up to date with all changes known to be in force on or before 18 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)

- (c) provision about the procedure for referring the dispute to the Secretary of State or appointed person;
- (d) where a review of a determination has been carried out under subsection (2) and a different determination substituted, provision requiring a local authority to take specified steps (including paying specified amounts) in relation to the period before the determination was substituted.

Modifications etc. (not altering text)

- C1** Pt. 1 modified (1.4.2015) by [The Care and Support \(Isles of Scilly\) Order 2015 \(S.I. 2015/642\)](#), arts. 1, [2\(2\)\(a\)](#); [S.I. 2015/993](#), [art. 2\(a\)](#)
- C2** Pt. 1 applied in part (with modifications) (1.4.2015 coming into force in accordance with reg. 1(1)) by [The Care and Support \(Children's Carers\) Regulations 2015 \(S.I. 2015/305\)](#), regs. 1(1), [2\(1\)\(a\)\(2\)](#), 4-12; [S.I. 2015/993](#), [art. 2\(q\)](#)

Commencement Information

- I1** S. 40(1)-(3) in force at 1.4.2015 by [S.I. 2015/993](#), [art. 2\(m\)](#) (with transitional provisions in [S.I. 2015/995](#))
- I2** S. 40(4) in force at 1.10.2014 for specified purposes by [S.I. 2014/2473](#), [art. 2\(1\)\(n\)](#)
- I3** S. 40(4) in force at 1.4.2015 in so far as not already in force by [S.I. 2015/993](#), [art. 2\(m\)](#) (with transitional provisions in [S.I. 2015/995](#))

Status:

Point in time view as at 11/04/2018.

Changes to legislation:

Care Act 2014, Section 40 is up to date with all changes known to be in force on or before 18 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.