
STATUTORY INSTRUMENTS

2014 No. 2672

The Care and Support (Charging and Assessment of Resources) Regulations 2014

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Care and Support (Charging and Assessment of Resources) Regulations 2014 and come into force immediately after sections 14(5) and 17(7) of the Act are both fully in force.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Care Act 2014;

“the 1992 Act” means the Social Security Contributions and Benefits Act 1992(1);

“the adult” in relation to a financial assessment carried out by a local authority for the purposes of section 17(1), (3) or (4) of the Act means the adult or, as the case may be, the carer in respect of whom the authority is carrying out the financial assessment;

“armed forces independence payment” means armed forces independence payment under the Armed Forces and Reserved Forces (Compensation Scheme) Order 2011(2);

“attendance allowance” has the same meaning as in the Income Support Regulations;

“care home” means a care home (within the meaning given in section 3 of the Care Standards Act 2000(3)) in respect of which a person is registered under the Health and Social Care Act 2008(4) for the regulated activity of the provision of residential accommodation together with nursing or personal care;

“carer premium” means a carer premium under the Income Support Regulations;

“child benefit” means a child benefit under the 1992 Act;

“child tax credit” means a child tax credit under the Tax Credits Act 2002(5);

“council tax” is to be construed in accordance with section 1(1) of the Local Government Finance Act 1992(6);

“couple” has the same meaning as in the Income Support Regulations;

(1) 1992 c.4.
(2) S.I. 2011/517.
(3) 2000 c.14.
(4) 2008 c.14.
(5) 2002 c.21.
(6) 1992 c.14.

- “disability living allowance” means a disability living allowance under the 1992 Act;
- “disability premium” means a disability premium under the Income Support Regulations;
- “employed earner” is to be construed in accordance with section 2(1)(a) of the 1992 Act(7);
- “enhanced disability premium” means an enhanced disability premium under the Income Support Regulations;
- “guardian’s allowance” means a guardian’s allowance under the 1992 Act;
- “income support” means income support under the 1992 Act;
- “Income Support Regulations” means the Income Support (General) Regulations 1987(8);
- “lone parent” has the same meaning as in the Income Support Regulations;
- “partner” has the same meaning as in the Income Support Regulations;
- “Pension Credit Regulations” means the State Pension Credit Regulations 2002(9);
- “pension credit age” means the qualifying age for state pension credit within the meaning of section 1(6) of the State Pension Credit Act 2002;
- “permanent resident” means a resident who is not a temporary resident or a short-term resident;
- “personal independence payment” means a personal independence payment under Part 4 of the Welfare Reform Act 2012(10);
- “personal pension scheme” has the same meaning as in the Income Support Regulations;
- “prospective resident” means a person for whom accommodation in a care home is proposed to be provided under the Act;
- “resident” means a person who is provided with accommodation in a care home under the Act;
- “savings credit” means a savings credit under the State Pension Credit Act 2002;
- “self-employed earner” is to be construed in accordance with section 2(1)(b) of the 1992 Act;
- “severe disablement occupational allowance” means a severe disablement occupational allowance paid under article 10 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006(11) or under article 16 of the Personal Injuries (Civilians) Scheme 1983(12);
- “short-term resident” means a person who is provided with accommodation in a care home under the Act for a period not exceeding 8 weeks;
- “temporary resident” means a resident whose stay is—
- (a) unlikely to exceed 52 weeks; or
 - (b) in exceptional circumstances, unlikely to substantially exceed that period;
- “working tax credit” means a working tax credit under the Tax Credits Act 2002.

(2) Where reference is made in these Regulations to the application of a provision in the Income Support Regulations, any reference to “claimant” in the provision of the Income Support Regulations is to be construed as a reference to the adult concerned.

(3) In these Regulations any reference to a resident’s accommodation in a care home, or to accommodation provided for a resident in a care home, is to be construed in the case of a resident

(7) Section 2(1)(a) was amended by paragraphs 169 and 171 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c.1) and section 15(1) of the National Insurance Contributions Act 2014 (c.7).

(8) S.I. 1987/1967.

(9) S.I. 2002/1792.

(10) 2012 c.5.

(11) S.I. 2006/606. Article 10 was amended by S.I. 2008/679 and 2013/630.

(12) S.I. 1983/686. Article 16 was amended by S.I. 1984/1675 and 2001/420.

who is a prospective resident as a reference to accommodation to be provided for that resident under section 18, 19 or 20 of the Act.