

## SCHEDULE

### Amendments in consequence of provisions of the Care Act 2014 and the Children and Families Act 2014

#### **Health and Social Services and Social Security Adjudications Act 1983 (c. 41)**

**33.**—(1) Section 23 (arrears of contributions secured over interest in land in Scotland) is amended as follows.

(2) After subsection (2A) insert—

“(2B) A local authority in England may not make, or be required by directions under subsection (2A) to make, a charging order on or after the day on which section 1 of the Care Act 2014 came into force.”

(3) In subsection (3), for the words from “of securing” to the end substitute—

“mentioned in subsection (3A) or (as the case may be) (3B) below.

(3A) Where the charging order is made by a local authority in Scotland or Wales, the purpose referred to in subsection (3) above is the purpose of securing any debt due or to become due by the debtor to the local authority in respect of the provision of the Part III accommodation referred to in subsection (1) above, with interest on that amount as specified in section 24.

(3B) Where the charging order is made by a local authority in England, the purpose referred to in subsection (3) above is the purpose of securing any debt due or to become due by the debtor to the local authority—

- (a) in respect of the provision of the Part III accommodation referred to in subsection (1) above, or
- (b) under Part 1 of the Care Act 2014 in respect of meeting needs for care and support by the provision of accommodation for the person, including anything provided in connection with that accommodation,

in either case, with interest on that amount as specified in section 24.

(3C) A local authority that records or registers a charging order as mentioned in subsection (1) above shall—

- (a) intimate to the debtor in writing that they have made and recorded or registered the order, and
- (b) inform the debtor of the order’s effect.”