

**2017 No. 1318**

**SOCIAL CARE, ENGLAND**

**The Care and Support (Deferred Payment) (Amendment)  
Regulations 2017**

|                               |         |                           |
|-------------------------------|---------|---------------------------|
| <i>Made</i>                   | - - - - | <i>20th December 2017</i> |
| <i>Laid before Parliament</i> |         | <i>21st December 2017</i> |
| <i>Coming into force</i>      | - -     | <i>5th February 2018</i>  |

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 34(1) and 125(2) and (7) of the Care Act 2014(a).

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Care and Support (Deferred Payment) (Amendment) Regulations 2017 and come into force on 5th February 2018

(2) In these Regulations, “the Principal Regulations” means the Care and Support (Deferred Payment) Regulations 2014(b).

**Amendment of regulation 2(2)**

**2.** Paragraph (2)(a) of regulation 2 of the Principal Regulations is amended as follows—

(a) for “and” at the end of sub-paragraph (ii) there shall be substituted “or”; and

(b) after sub-paragraph (ii) there shall be inserted—

“(iii) are not being or going to be met by the local authority under section 18 and are needs that the local authority considers it would be required to meet under that section by the provision of accommodation in a care home but for the fact that the local authority is satisfied that the adult’s financial resources are above the financial limit(c); and”.

**Amendment of regulation 3(1)**

**3.** Paragraph (1)(a) of regulation 3 of the Principal Regulations is amended as follows—

(a) at the end of sub-paragraph (ii) there shall be inserted “or”; and

(b) after sub-paragraph (ii) there shall be inserted—

“(iii) are not being or going to be met by the local authority under section 18 and are needs that the local authority considers it would be required to meet under that section by the provision of accommodation in a care home but for the fact

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(a) 2014 c.23. The powers to make regulations are exercisable by the Secretary of State: *see* section 125(1).  
(b) S.I. 2014/2671 to which amendments which are not relevant have been made by S.I. 2015/644.  
(c) *See* section 17(10) of the Care Act 2014 for the definition of “financial limit”.

that the local authority is satisfied that the adult's financial resources are above the financial limit; ”.

Signed by authority of the Secretary of State for Health.

*Jackie Doyle-Price*  
Parliamentary Under-Secretary of State,  
Department of Health

20th December 2017

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Care and Support (Deferred Payment) Regulations 2014 (“the Principal Regulations”). Regulation 2 of the Principal Regulations sets out the circumstances in which a local authority must enter into a deferred payment agreement and regulation 3 of the Principal Regulations sets out the circumstances in which a local authority is permitted to enter into a deferred payment agreement.

Regulations 3 and 4 of these Regulations amend regulations 2(2) and 3(1) of the Principal Regulations so that a local authority may be required or permitted to enter into a deferred payment agreement in a case where a local authority is not meeting or going to meet the adult's needs by the provision of accommodation in a care home, if the local authority considers that it would have been required to meet the adult's needs under section 18 but for the fact that the adult's financial resources exceed the financial limit.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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