
STATUTORY INSTRUMENTS

2023 No. 405

SOCIAL CARE, ENGLAND

The Care and Support (Charging and Assessment of Resources) (Amendment) (No. 2) Regulations 2023

<i>Made</i>	- - - -	<i>30th March 2023</i>
<i>Laid before Parliament</i>		<i>3rd April 2023</i>
<i>Coming into force</i>	- -	<i>24th April 2023</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 17(7), (11) and (12) and 125(7) of the Care Act 2014⁽¹⁾.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Care and Support (Charging and Assessment of Resources) (Amendment) (No. 2) Regulations 2023 and come into force on 24th April 2023.

(2) These Regulations extend to England and Wales.

Amendment of the Care and Support (Charging and Assessment of Resources) Regulations 2014

2. In Schedule 2 to the Care and Support (Charging and Assessment of Resources) Regulations 2014⁽²⁾ (capital to be disregarded), after paragraph 42⁽³⁾ insert—

“**43.** Any payment made to the adult which would be disregarded under section 8 of the Social Security (Additional Payments) Act 2023 (payments to be disregarded for the purposes of tax and social security)⁽⁴⁾”.

(1) 2014 c. 23.
(2) S.I. 2014/2672, to which there are amendments not relevant to these Regulations.
(3) Paragraph 42 was inserted by S.I. 2022/1038.
(4) 2023 c. 7.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by authority of the Secretary of State for Health and Social Care

30th March 2023

Helen Whately
Minister of State,
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Care and Support (Charging and Assessment of Resources) Regulations 2014 (S.I. 2014/2672) (“the 2014 Regulations”). Schedule 2 to the 2014 Regulations lists categories of capital that must be disregarded by local authorities when calculating someone’s assets for charging purposes. Regulation 2 inserts a new paragraph 43 into Schedule 2.

The Social Security (Additional Payments) Act 2023 (“the Act”) makes provision about additional payments to recipients of means-tested benefits, tax credits and disability benefits. The new paragraph 43 of Schedule 2 to the 2014 Regulations provides that payments made to an adult which would be disregarded under section 8 of the Act are to be disregarded in the calculation of the adult’s capital for the purpose of an assessment of that adult’s financial resources.

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.