

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Care and Support (Financial Assessment) (Wales) Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

WELSH STATUTORY INSTRUMENTS

2015 No. 1844

The Care and Support (Financial Assessment) (Wales) Regulations 2015

PROSPECTIVE

PART 3

Treatment and calculation of income

Capital treated as income

16.—(1) Any capital payable to A by instalments which are outstanding on the date on which A first becomes liable to pay for (or where A is or will be receiving direct payments, contribute or make reimbursements towards the cost of securing the provision of) the care and support, is to be treated as income if the aggregate of the instalments outstanding and the amount of A's capital calculated in accordance with Part 4 exceeds the amount specified in regulation 41(1) of the Income Support Regulations (capital treated as income).

(2) Any payment received under an annuity is to be treated as income.

(3) Any earnings to the extent that they are not a payment of income are to be treated as income.

(4) Subject to paragraph (5), A is to be treated as possessing any capital paid or due to be paid to a local authority by a third party pursuant to an agreement between the local authority and the third party made in connection with A's liability to pay, contribute or make reimbursements to the local authority towards the cost of accommodation provided or secured for A under the Act.

(5) A is not to be treated as possessing any voluntary payment of capital made by a third party to a local authority for the purpose of discharging any arrears of the payments, contributions or reimbursements required by the local authority from A for accommodation provided or secured under the Act.

(6) Where an agreement or court order provides that payments are to be made to A in consequence of any personal injury to A and that such payments are to be made wholly or partly by way of periodical payments, any such periodical payments received by A, to the extent that they are not a payment of income, are to be treated as income.

Commencement Information

II Reg. 16 in force at 6.4.2016, see [reg. 1\(2\)](#)

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Changes and effects yet to be applied to :

- reg. 16 coming into force by [S.I. 2015/1844 reg. 1\(2\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 16A inserted by [S.I. 2017/214 reg. 4\(b\)](#)
- Sch. 1 para. 44A44B inserted by [S.I. 2022/99 reg. 3\(a\)\(ii\)](#)
- Sch. 2 para. 35 inserted by [S.I. 2019/234 reg. 3](#)
- Sch. 2 para. 36-39 inserted by [S.I. 2022/99 reg. 3\(b\)\(ii\)](#)
- Sch. 2 para. 4041 inserted by [S.I. 2023/67 reg. 3\(a\)\(ii\)](#)
- Sch. 2 para. 40 words substituted by [S.I. 2023/424 Sch. para. 61](#)