

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 4

Treatment and calculation of capital

Income treated as capital

19.—(1) Any amount by way of refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E to the Income and Corporation Taxes Act 1998⁽¹⁾ is to be treated as capital.

(2) Any holiday pay which is not earnings is to be treated as capital.

(3) Except income derived from capital disregarded under paragraphs 1, 4, 8, 14, 22 and 24 of Schedule 2, any income of A which is derived from capital is to be treated as capital but only on the date on which it is normally due to be paid to A.

(4) Where A is an employed earner, any advance of earnings or any loan made by A's employer is to be treated as capital.

(5) Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than one made under the Fund, the Eileen Trust, the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust the Independent Living Fund, or the Welsh Independent Living Scheme⁽²⁾, is to be treated as capital.

(6) Any voluntary payment of income made by a third party to A for the purpose of helping A to discharge any arrears of the payments, contributions, or reimbursements required by the local authority from the person for accommodation provided or secured in accordance with the Act is to be treated as the capital of A.

(7) In this regulation, “the Fund”, “the Eileen Trust”, “the Macfarlane Trust”, “the Macfarlane (Special Payments) Trust”, “the Macfarlane (Special Payments) (No. 2) Trust” and “the Independent Living Fund” have the same meaning as in the Income Support Regulations.

Commencement Information

II Reg. 19 in force at 6.4.2016, see [reg. 1\(2\)](#)

⁽¹⁾ 1998 c. 1.

⁽²⁾ The former recipients of payments from the Independent Living Fund (which has now closed) will receive payments from the Welsh Independent Living Scheme with effect from July 2015.

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Changes and effects yet to be applied to :

- reg. 19 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](#)