



# Care Act 2014

## 2014 CHAPTER 23

### PART 1

#### CARE AND SUPPORT

##### *Charging and assessing financial resources*

#### **15 Cap on care costs**

- (1) A local authority may not make a charge under section 14 for meeting an adult's needs under section 18 if the total of the costs accrued in meeting the adult's eligible needs after the commencement of this section exceeds the cap on care costs.
- (2) The reference to costs accrued in meeting eligible needs is a reference—
  - (a) in so far as the local authority met those needs, to the cost to the local authority of having done so (as reckoned from the costs specified in the personal budget for meeting those needs (see section 26));
  - (b) in so far as another local authority met the needs, to the cost to that other local authority of having done so (as reckoned from the costs so specified for meeting those needs);
  - (c) in so far as a person other than a local authority met the needs, to what the cost of doing so would have been to the local authority which would otherwise have done so (as reckoned from the costs specified in the independent personal budget for meeting those needs (see section 28)).
- (3) An adult's needs are "eligible needs" if, at the time they were met—
  - (a) they met the eligibility criteria,
  - (b) they were not being met by a carer, and
  - (c) the adult was ordinarily resident or present in the area of a local authority.
- (4) The "cap on care costs" is the amount specified as such in regulations; and the regulations may in particular (in reliance on section 125(7))—
  - (a) specify different amounts for persons of different age groups;

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*Status: This is the original version (as it was originally enacted).*

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- (b) specify zero as the amount for persons of a specified description.
- (5) The total of the costs accrued in meeting an adult’s eligible needs after the commencement of this section (as referred to in subsection (1)) is referred to in this Part as the adult’s “accrued costs”.
- (6) Where the costs accrued include daily living costs, the amount attributable to the daily living costs is to be disregarded in working out for the purposes of subsection (1) the total of the costs accrued in meeting an adult’s eligible needs after the commencement of this section.
- (7) Where the cost to a local authority of meeting an adult’s needs under section 18 includes daily living costs, and the accrued costs exceed the cap on care costs (with the result that subsection (1) applies), the local authority may nonetheless make a charge to cover the amount attributable to those daily living costs.
- (8) For the purposes of this Part, the amount attributable to an adult’s daily living costs is the amount specified in, or determined in accordance with, regulations.