



Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

Establishing where a person lives, etc.

40 Disputes about ordinary residence or continuity of care

- (1) Any dispute about where an adult is ordinarily resident for the purposes of this Part, or any dispute between local authorities under section 37 about the application of that section, is to be determined by—
 - (a) the Secretary of State, or
 - (b) where the Secretary of State appoints a person for that purpose (the “appointed person”), that person.
- (2) The Secretary of State or appointed person may review a determination under subsection (1), provided that the review begins within 3 months of the date of the determination.
- (3) Having carried out a review under subsection (2), the Secretary of State or appointed person must—
 - (a) confirm the original determination, or
 - (b) substitute a different determination.
- (4) Regulations may make further provision about resolution of disputes of the type mentioned in subsection (1); the regulations may, for example, include—
 - (a) provision for ensuring that care and support is provided to the adult while the dispute is unresolved;
 - (b) provision requiring the local authorities in dispute to take specified steps before referring the dispute to the Secretary of State or (as the case may be) the appointed person;

Status: This is the original version (as it was originally enacted).

- (c) provision about the procedure for referring the dispute to the Secretary of State or appointed person;
- (d) where a review of a determination has been carried out under subsection (2) and a different determination substituted, provision requiring a local authority to take specified steps (including paying specified amounts) in relation to the period before the determination was substituted.