

SOCIAL CARE CHARGES (WALES) MEASURE 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1 – General power to charge for care services

3. **Section 1(1)** and **(2)** provide that a local authority in Wales providing a chargeable service may charge for that service such amount as it considers reasonable (for a description of the chargeable services to which the Measure relates see the notes on section 13). Section 1(3) provides that this power shall be subject, however, to a number of legislative provisions referred to in subsection (3) which are:
 - the provisions of section 2 on maximum charges;
 - the provisions of section 3 about persons and services in respect of which charges must not be imposed;
 - the provisions of section 8(1) (effect of determinations as to ability to pay); and
 - any regulations made by the Welsh Ministers under section 16 of the Community Care (Delayed Discharges etc) Act 2003 (free provision of services in Wales).
4. Subsections **(4)** and **(5)** provide a power for a local authority to recover a charge for services to which this Measure applies, and in particular to recover it as a civil debt in court proceedings.