



Social Care Charges (Wales) Measure 2010

2010 nawm 2

7 Determinations as to ability to pay

- (1) Where a local authority has carried out a means assessment of a person under section 5(1), the authority must, in the light of that assessment—
 - (a) determine whether it is reasonably practicable for the person to pay the standard charge for the service that the person has been offered or is being provided with; and
 - (b) if the authority determines that it is not reasonably practicable for the person to pay the standard charge, determine the amount (if any) which it is reasonably practicable for the person to pay for that service.
- (2) A local authority must discharge its duty under subsection (1) in accordance with provision in regulations made by the Welsh Ministers.
- (3) The provision that may be made by regulations under subsection (2) includes (but is not limited to) provision—
 - (a) specifying cases in which it is not reasonably practicable for persons of specified means, or of means falling within a specified range, to pay for a particular service, or combination of services;
 - (b) specifying the maximum amount that it is reasonably practicable for persons of specified means, or of means falling within a specified range, to pay for a particular service, or combination of services;
 - (c) specifying amounts which the local authority must disregard when assessing a person's means;
 - (d) specifying amounts below which a person's income or assets must not be reduced (after payment of the charge to be imposed).
- (4) In subsection (1) and section 10 “standard charge” means the amount which a person would be required to pay for a service if no determination under this Measure as to the person's ability to pay had effect.