



Health And Social Services And Social Security Adjudications Act 1983

1983 CHAPTER 41

PART VII

CHARGES FOR LOCAL AUTHORITY SERVICES

22 Arrears of contributions charged on interest in land in England and Wales.

- (1) Subject to subsection (2) below, where a person who avails himself of Part III accommodation provided by a local authority in England, Wales or Scotland—
- (a) fails to pay any sum assessed as due to be paid by him for the accommodation; and
 - (b) has a beneficial interest in land in England or Wales,
- the local authority may create a charge in their favour on his interest in the land.
- (2) In the case of a person who has interests in more than one parcel of land the charge under this section shall be upon his interest in such one of the parcels as the local authority may determine.
- [^{F1}(2A) In determining whether to exercise their power under subsection (1) above and in making any determination under subsection (2) above, the local authority shall comply with any directions given to them by the Secretary of State as to the exercise of those functions.]
- [^{F2}(2B) A local authority in England may not create, or be required by directions under subsection (2A) to create, a charge under this section on or after the day on which section 1 of the Care Act 2014 came into force.]
- [^{F3}(2C) A local authority in Wales may not create, or be required by directions under subsection (2A) to create, a charge under this section on or after the day on which section 2 of the Social Services and Well-being (Wales) Act 2014 came into force.]
- [^{F4}(3) Any interest in the proceeds of sale of land held upon trust for sale is to be treated, subject to subsection (8) below, as an interest in land for the purposes of this section.]

Changes to legislation: *Health And Social Services And Social Security Adjudications Act 1983, Section 22 is up to date with all changes known to be in force on or before 31 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- [^{F5}(3A) Subject to subsection (5) below, a charge under this section created by a local authority in England shall be in respect of any amount which is outstanding from time to time and is—
- (a) assessed as due to be paid by the person to the authority for the Part III accommodation, or
 - (b) due by the person to the authority under Part 1 of the Care Act 2014 in respect of meeting needs for care and support by the provision of accommodation for the person, including anything provided in connection with that accommodation.]
- [^{F6}(3B) Subject to subsection (5) below, a charge under this section created by a local authority in Wales shall be in respect of any amount which is outstanding from time to time and is—
- (a) assessed as due to be paid by the person to the authority for the Part III accommodation, or
 - (b) due by the person to the authority under Part 5 of the Social Services and Well-being (Wales) Act 2014 in respect of meeting needs for care and support by the provision of accommodation for the person, including anything provided in connection with that accommodation.]
- (4) Subject to subsection (5) below, a charge under this section [^{F7}created by a local authority in ^{F8}... Scotland] shall be in respect of any amount assessed as due to be paid which is outstanding from time to time.
- (5) The charge on the interest of [^{F9}an equitable joint tenant in land] shall be in respect of an amount not exceeding the value of the interest that he would enjoy in [^{F10}the land] if the joint tenancy were severed but the creation of such a charge shall not sever the joint tenancy.
- (6) On the death of [^{F11}an equitable joint tenant in land] whose interest in the [^{F12}land is] subject to a charge under this section—
- (a) if there are surviving joint tenants, their [^{F13}interests in the land]; and
 - (b) if the land vests in one person, or one person is entitled to have it vested in him, his interest in it,
- shall become subject to a charge for an amount not exceeding the amount of the charge to which the interest of the deceased joint tenant was subject by virtue of subsection (5) above.
- (7) A charge under this section shall be created by a declaration in writing made by the local authority.
- (8) Any such charge, other than a charge on [^{F14}the interest of an equitable joint tenant in land], shall in the case of unregistered land be a land charge of Class B within the meaning of section 2 of the ^{M1}Land Charges Act 1972 and in the case of registered land be a registrable charge taking effect as a charge by way of legal mortgage.

Textual Amendments

- F1** S. 22(2A) inserted (12.4.1993) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), [s. 45\(2\)](#); [S.I. 1992/2975](#), [art. 2\(3\)\(a\)](#)
- F2** S. 22(2B) inserted (1.4.2015) by [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\)](#), [art. 1\(2\)](#), [Sch. para. 32\(2\)](#) (with arts. 1(3), 3)

Changes to legislation: *Health And Social Services And Social Security Adjudications Act 1983, Section 22 is up to date with all changes known to be in force on or before 31 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F3** S. 22(2C) inserted (E.W.) (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **40(a)**
- F4** S. 22(3) repealed (E.W.) (1.1.1997) by 1996 c. 47, s. 25(2), **Sch. 4** (with ss. 24(2), 25(4)(5)); S.I. 1996/2974, **art. 2**
- F5** S. 22(3A) inserted (1.4.2015) by The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), **Sch. para. 32(3)** (with arts. 1(3), 3)
- F6** S. 22(3B) inserted (E.W.) (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **40(b)**
- F7** Words in s. 22(4) inserted (1.4.2015) by The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), **Sch. para. 32(4)** (with arts. 1(3), 3)
- F8** Words in s. 22(4) omitted (E.W.) (6.4.2016) by virtue of The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **40(c)**
- F9** Words in s. 22(5) substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 21(a)(i)** (with ss. 24(2), 25(4)(5)); S.I. 1996/2974, **art. 2**
- F10** Words in s. 22(5) substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 21(a)(ii)** (with ss. 24(2), 25(4)(5)); S.I. 1996/2974, **art. 2**
- F11** Words in s. 22(6) substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 21(b)(i)** (with ss. 24(2), 25(4)(5)); S.I. 1996/2974, **art. 2**
- F12** Words in s. 22(6) substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 21(b)(ii)** (with ss. 24(2), 25(4)(5)); S.I. 1996/2974, **art. 2**
- F13** Words in s. 22(6) substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 21(b)(iii)** (with ss. 24(2), 25(4)(5)); S.I. 1996/2974, **art. 2**
- F14** Words in s. 22(8) substituted (1.1.1997) by 1996 c. 47, s. 25(1), **Sch. 3 para. 21(c)** (with ss. 24(2), 25(4)(5)); S.I. 1996/2974, **art. 2**

Commencement Information

- I1** S. 22 wholly in force at 12.4.1993 see s. 32(2) and S.I. 1992/2974, art. 2, **Sch.**

Marginal Citations

- M1** 1972 c. 61.

Changes to legislation:

Health And Social Services And Social Security Adjudications Act 1983, Section 22 is up to date with all changes known to be in force on or before 31 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Commencement Orders yet to be applied to the Health And Social Services And Social Security Adjudications Act 1983

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2004/288 art. 2-6](#) commences (2003 c. 43)
- [S.I. 2004/480 art. 2-5](#) commences (2003 c. 43)
- [S.I. 2004/1009 art. 2](#) commences (2003 c. 43)
- [S.I. 2004/1019 art. 2](#) commences (2003 c. 43)
- [S.I. 2005/2897 art. 2](#) commences (2002 c. 38)
- [S.I. 2005/2925 art. 24-11](#) commences (2003 c. 43)
- [S.I. 2006/345 art. 2-7](#) commences (2003 c. 43)
- [S.I. 2009/3074 art. 23](#) commences (2008 c. 4)
- [S.I. 2011/849 art. 2](#) commences (2010 nawm 2)
- [S.S.I. 2009/267 art. 2](#) commences (2007 asp 4)