



# 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.
- [<sup>F1</sup>(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.]
- [<sup>F2</sup>(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.]
- (4) Subject to subsection (5) below, a charge under this section 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 [<sup>F3</sup>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 [<sup>F4</sup>the land] if the joint tenancy were severed but the creation of such a charge shall not sever the joint tenancy.

*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Health And Social Services And Social Security Adjudications Act 1983. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (6) On the death of [<sup>F5</sup>an equitable joint tenant in land] whose interest in the [<sup>F6</sup>land is] subject to a charge under this section—
- (a) if there are surviving joint tenants, their [<sup>F7</sup>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 [<sup>F8</sup>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 <sup>M1</sup>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.

#### Annotations:

##### Amendments (Textual)

- 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(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
- F3** 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
- F4** 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
- F5** 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
- F6** 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
- F7** 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
- F8** 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:**

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**Changes and effects yet to be applied to :**

- s. 22(4) words inserted by [S.I. 2015/914 Sch. para. 32\(4\)](#)
- s. 22(4) words omitted by [S.I. 2016/413 reg. 40\(c\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 17(2A) inserted by [2010 nawm 2 s. 14\(4\)](#)
- s. 17(2A)(5) omitted by [S.I. 2016/413 reg. 39\(a\)](#)
- s. 17(5) inserted by [2003 c. 5 s. 17\(3\)](#)
- s. 17(5) words inserted by [2010 c. 18 s. 1\(8\)](#) (This amendment not applied to legislation.gov.uk. Amending Act repealed (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (No. 413), reg. 273)
- s. 17(5) words omitted by [S.I. 2015/914 Sch. para. 31\(5\)\(b\)](#)
- s. 17(5) words substituted by [S.I. 2015/914 Sch. para. 31\(5\)\(a\)](#)
- s. 22(2B) inserted by [S.I. 2015/914 Sch. para. 32\(2\)](#)
- s. 22(2C) inserted by [S.I. 2016/413 reg. 40\(a\)](#)
- s. 22(3A) inserted by [S.I. 2015/914 Sch. para. 32\(3\)](#)
- s. 22(3B) inserted by [S.I. 2016/413 reg. 40\(b\)](#)
- s. 23(2B) inserted by [S.I. 2015/914 Sch. para. 33\(2\)](#)
- s. 23(3A)-(3C) inserted by [S.I. 2015/914 Sch. para. 33\(3\)](#)

**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. 2 4-11](#) commences ([2003 c. 43](#))
- [S.I. 2006/345 art. 2-7](#) commences ([2003 c. 43](#))
- [S.I. 2009/3074 art. 2 3](#) 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](#))