
STATUTORY INSTRUMENTS

2014 No. 1652

**The Special Educational Needs
(Personal Budgets) Regulations 2014**

Persons to whom direct payments may be made

- 5.—(1) A local authority may make direct payments, as appropriate, to—
- (a) the child's parent;
 - (b) the young person; or
 - (c) a person nominated in writing by the child's parent or the young person to receive direct payments on their behalf.
- (2) Direct payments may only be made to an intended recipient if the person—
- (a) appears to the local authority to be capable of managing direct payments without assistance or with such assistance as may be available to them;
 - (b) where the recipient is an individual, is over compulsory school age;
 - (c) does not lack capacity within the meaning of the 2005 Act to consent to the making of direct payments to them or to secure the agreed provision with any direct payment; and
 - (d) is not a person described in the Schedule.
- (3) Where a nominee has been appointed in accordance with paragraph (1)(c), if the child's parent or young person notifies the local authority in writing that they wish to withdraw or change their nomination, the local authority must stop making direct payments to the nominee as soon as reasonably practicable and, where applicable, consider whether to make direct payments to the alternative nominee.