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WELSH STATUTORY INSTRUMENTS

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**2011 No. 831**

**The Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2011**

**Conditions in respect of direct payments under section 57(1A) of the 2001 Act**

**13.—**(1) A direct payment under section 57(1A) of the 2001 Act is subject to the conditions in paragraph (2).

(2) The conditions referred to in paragraph (1) are that—

- (a) the service in respect of which the direct payment is made may not be secured from a person mentioned in paragraph (3) unless the responsible authority is satisfied that securing the service from such a person is necessary to meet satisfactorily P's need for that service; and
- (b) S must —
  - (i) act in the best interests, within the meaning of the Mental Capacity Act 2005, of P when securing the provision of services in respect of which the direct payment is made,
  - (ii) provide such information to the responsible authority as that authority considers necessary in connection with the direct payment,
  - (iii) if S is an individual mentioned in regulation 9(2)(c)(i) or a body corporate or an unincorporated body of persons, obtain an enhanced criminal record certificate issued under section 113B of the Police Act 1997, which includes suitability information relating to vulnerable adults (within the meaning of section 113BB (2) of that Act), or obtain verification that a satisfactory certificate under that Act has been obtained, in respect of any person from whom a service in respect of which a direct payment is made is secured,
  - (iv) notify the responsible authority if S reasonably believes that P no longer falls within section 57(5A) of the 2001 Act, and
  - (v) use the direct payment for securing the provision for P of the services for which the payment was made.

(3) The persons referred to in paragraph (2) are—

- (a) the spouse or civil partner of P;
- (b) a person who lives with P as if their spouse or civil partner;
- (c) a person living in the same household as P who is P's—
  - (i) parent or parent-in-law,
  - (ii) son or daughter,
  - (iii) son-in-law or daughter-in-law,
  - (iv) stepson or stepdaughter,
  - (v) brother or sister,
  - (vi) aunt or uncle, or

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (vii) grandparent;
  - (d) the spouse or civil partner of any person specified in sub-paragraph (c) who lives in the same household as P; and
  - (e) a person who lives with any person specified in sub-paragraph (c) as if that person's spouse or civil partner.
- (4) A responsible authority may make a direct payment under section 57(1A) of the 2001 Act subject to such other conditions (if any) as it considers appropriate.