



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 4

MEETING NEEDS

Direct payments

50 Direct payments to meet an adult's needs

- (1) Regulations may require or allow a local authority to make payments to a person towards the cost of meeting an adult's needs for care and support under section 35 or 36.
- (2) But regulations under subsection (1) may not require or allow such payments to be made unless condition 1 or 2 is met.
- (3) Condition 1 is that—
 - (a) the payments are to be made to the adult who has needs for care and support ("A"),
 - (b) A has, or the local authority believes that A has, capacity to consent to the making of the payments,
 - (c) the local authority is satisfied that—
 - (i) making the payments is an appropriate way of meeting A's needs, and
 - (ii) A is capable of managing the payments (either by himself or herself or with the support that is available to A), and
 - (d) A has consented to the making of the payments.
- (4) Condition 2 is that—
 - (a) the adult who has needs for care and support ("A") does not have, or the local authority believes that A does not have, capacity to consent to the making of the payments,

Changes to legislation: Social Services and Well-being (Wales) Act 2014, Section 50 is up to date with all changes known to be in force on or before 17 April 2024. 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

- (b) the payments are to be made to a person (“P”) other than A,
 - (c) P is a suitable person,
 - (d) the local authority is satisfied that—
 - (i) making the payments is an appropriate way of meeting A's needs,
 - (ii) P is capable of managing the payments (either by himself or herself or with the support that is available to P), and
 - (iii) P will act in A's best interests in managing the payments, and
 - (e) the necessary consent has been obtained to make the payments to P.
- (5) For the purposes of subsection (4)(c), P is a “suitable person”—
- (a) if P is authorised under the Mental Capacity Act 2005 (whether in general or specific terms) to make decisions about A's needs for care and support,
 - (b) where P is not authorised as mentioned in paragraph (a), if a person who is so authorised agrees with the local authority that P is suitable to receive payments towards the cost of meeting A's needs for care and support, or
 - (c) where P is not authorised as mentioned in paragraph (a) and there is no person who is so authorised, if the local authority considers that P is suitable to receive payments of that kind.
- (6) For the purposes of subsection (4)(e), the “necessary consent” means—
- (a) the consent of P, and
 - (b) where P is a suitable person by virtue of subsection (5)(b), the consent of a person authorised under the Mental Capacity Act 2005 (whether in general or specific terms) to make decisions about A's needs for care and support.
- (7) A payment under this section is referred to in this Act as a “direct payment”.

Commencement Information

II S. 50 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

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Changes and effects yet to be applied to :

- s. 50 power to modify conferred by [2014 c. 23 Sch. 1 para. 9\(2\)\(a\)](#)

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. 162(4)(ga) inserted by [2022 asc 1 Sch. 4 para. 30\(2\)\(b\)](#)
- s. 163(4A) inserted by [2014 c. 23 s. 75\(10\)](#) (Effect inserting (4) not applied at s. 163 as it appears to relate to s. 194 in view of the title of the section as cited i.e. "ordinary residence". In s. 194 another (4), identically worded, is inserted on the same date by S.I. 2016/413, regs. 2(1), 316(a))