Changes to legislation: *Carers and Direct Payments Act (Northern Ireland) 2002, Section 1 is up to date with all changes known to be in force on or before 21 May 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*

2002 CHAPTER 6

Carers: assessments and services

Right of carers to assessment

1.—(1) Where—

(a) the carer of an adult requests an authority to carry out an assessment of the carer's ability to provide and to continue to provide care for the person cared for; and

(b) the authority is satisfied that the person cared for is someone for whom it may provide **[**[F1]social care**]**,

the authority shall carry out such an assessment.

(2) Where—

(a) an authority carries out an assessment under the 1972 Order of the needs of a person for **[**[F1]social care**]**; and

(b) a carer of that person requests the authority, before it makes a decision as to whether the needs of that person call for the provision of any **[**[F1]social care**]**, to carry out an assessment of the carer's ability to provide and to continue to provide care for that person,

the authority—

(i) shall carry out such an assessment; and

(ii) shall take the results of that assessment into account in deciding what, if any, **[**[F1]social care**]** to provide to that person.

(3) Subsections (1) and (2) do not apply if the carer provides or will provide the care in question—

(a) by virtue of a contract of employment or other contract with any person; or

(b) as a volunteer for a voluntary organisation.

[[F2](4) An assessment under this section is to be carried out in such manner, and is to take such form, as the authority considers appropriate; but this is subject to any directions given to the authority under paragraph 6 of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991.**]**

(5) For the purposes of an assessment under this section, the authority may take into account, so far as it considers it to be material, any other assessment made under this section or Article 18A of the Children Order.

(6) Section 8 of the Disabled Persons (Northern Ireland) Act 1989 (c. 10) (duty of authority to take into account ability of carer of disabled person) does not apply in any case where an assessment is made under subsection (2) in respect of the carer in question.

F1 Words in Act substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(a)** (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, **art. 2**

F2 S. 1(4) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 190(2)**; S.R. 2022/102, art. 2(b)

Changes to legislation:

Carers and Direct Payments Act (Northern Ireland) 2002, Section 1 is up to date with all changes known to be in force on or before 21 May 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.

View outstanding changes

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. 8(2A)-(2H) inserted by 2016 c. 18 (N.I.) s. 282(2)
- s. 8(3)(j)-(l) inserted by 2016 c. 18 (N.I.) s. 282(3)(f)
- s. 8(6A) inserted by 2016 c. 18 (N.I.) s. 282(6)