
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 25

The Self-directed Support (Direct Payments) (Scotland) Regulations 2014

PART 2

Calculation, payment and termination of direct payments

Circumstances where a direct payment may be terminated

- 6.—(1) A local authority may terminate a direct payment if—
- (a) a direct payment user becomes ineligible to receive direct payments;
 - (b) the direct payment has been used (wholly or partly) for some purpose other than to secure the provision of the support to which it relates;
 - (c) the local authority considers on reasonable grounds that the direct payment user has breached the criminal law or a civil law obligation in relation to the support to which the direct payment relates; or
 - (d) the direct payment has been used (wholly or partly) to secure the provision of support by a family member other than in circumstances where the family member is permitted to provide support by regulation 8 (as read with regulation 9).
- (2) Before terminating a direct payment, the local authority must notify the direct payment user of—
- (a) the reason why it has decided to terminate the direct payment; and
 - (b) the date with effect from which the direct payment will be terminated.
- (3) In determining the date with effect from which the direct payment will be terminated, the local authority must take into account—
- (a) any contractual obligations entered into by the direct payment user; and
 - (b) the time that will be required to put in place alternative arrangements to provide the support to which the direct payment relates.
- (4) The local authority must give the notification required by paragraph (2) in writing and, if necessary, in such other form as is appropriate to the needs of the person to whom it is given.