



# Welfare Reform Act 2009

## 2009 CHAPTER 24

### PART 2

#### DISABLED PEOPLE: RIGHT TO CONTROL PROVISION OF SERVICES

##### *Power to make regulations*

#### **41 Power to make provision enabling exercise of greater choice and control**

- (1) The appropriate authority (as defined by section 45) may by regulations made by statutory instrument make any provision that would in the opinion of the authority making the regulations serve the purpose of this Part.
- (2) Regulations under this section may, in particular, make provision for and in connection with requiring a relevant authority to take the following steps in relation to a disabled person (“P”) for whom it is obliged, or has decided, to provide, or arrange the provision of, relevant services—
  - (a) to inform P of the right to control conferred by virtue of the regulations, of the value of the relevant services to which P is entitled and of the choices available to P by virtue of the regulations;
  - (b) to work with P to determine the outcomes to be achieved by the provision of the relevant services;
  - (c) to work with P to prepare a plan (a “support plan”) setting out how those outcomes will be achieved;
  - (d) to work with P to review and revise the support plan in prescribed circumstances;
  - (e) if P so requests, to make payments to P in respect of P securing the provision of an equivalent service;
  - (f) to the extent that P chooses to receive relevant services provided or arranged by the relevant authority, to provide, or arrange for them to be provided, in accordance with P’s support plan as far as it is reasonably practicable to do so.
- (3) Regulations under this section may also—

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*Changes to legislation: Welfare Reform Act 2009, Section 41 is up to date with all changes known to be in force on or before 06 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*

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- (a) specify who is or is not to be treated as a disabled person for any purpose of the regulations;
  - (b) make provision about the circumstances in which a relevant authority is to be taken to have decided to provide a relevant service to a person;
  - (c) make provision as to matters to which a relevant authority must, or may, have regard when making a decision for the purposes of a provision of the regulations;
  - (d) make provision as to steps which a relevant authority must, or may, take before, or after, the relevant authority makes a decision for the purposes of a provision of the regulations (including provision requiring the relevant authority to review its decision).
- (4) Regulations under this section may enable or require the disclosure of information by one relevant authority to another for prescribed purposes of the regulations.
- (5) Regulations under this section may, for the purpose of this Part—
- (a) vary the conditions attached to any power of a relevant authority to provide financial assistance to disabled people;
  - (b) vary the conditions attached to any power of a relevant authority to provide financial assistance to another relevant authority in connection with the provision of relevant services to disabled people by the other authority.
- (6) Regulations under this section may require a relevant authority exercising any function under the regulations to have regard to any guidance given from time to time by the appropriate authority.

**Changes to legislation:**

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**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):

- Sch. 4 para. 9(3)(b) repealed by [2009 c. 24 Sch. 7 Pt. 1](#)