



Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

Direct payments

33 Direct payments: further provision

- (1) Regulations must make further provision about direct payments.
- (2) The regulations may, in particular, specify—
 - (a) cases or circumstances in which a local authority must not, or cases or circumstances in which it has the discretion to decide not to, meet needs by making direct payments;
 - (b) conditions which a local authority may or must attach to the making of direct payments;
 - (c) matters to which a local authority may or must have regard when making a decision of a specified type in relation to direct payments;
 - (d) steps which a local authority may or must take before, or after, making a decision of a specified type in relation to direct payments;
 - (e) cases or circumstances in which an adult who lacks capacity to request the making of direct payments must or may nonetheless be regarded for the purposes of this Part or the regulations as having capacity to do so;
 - (f) cases or circumstances in which an adult who no longer lacks capacity to make such a request must or may nonetheless be regarded for any of those purposes as lacking capacity to do so;
 - (g) cases or circumstances in which a local authority making direct payments must review the making of those payments.
- (3) A direct payment is made on condition that it be used only to pay for arrangements under which the needs specified under section 25(2)(a) in the care and support plan or (as the case may be) the support plan are met.

Status: This is the original version (as it was originally enacted).

- (4) In a case where one or more of conditions 1 to 4 in section 31 is no longer met or one or more of conditions 1 to 5 in section 32 is no longer met, the local authority must terminate the making of direct payments.
- (5) In a case where a condition specified under subsection (2)(b) or the condition mentioned in subsection (3) is breached, the local authority—
 - (a) may terminate the making of direct payments, and
 - (b) may require repayment of the whole or part of a direct payment (with section 69 accordingly applying to sums which the local authority requires to be repaid).