
STATUTORY INSTRUMENTS

2009 No. 1887

The Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009

Direct payments under section 57(1) of the 2001 Act or section 17A(1) of the 1989 Act

- 7.—(1) If the conditions in paragraph (2) are satisfied, a responsible authority—
- (a) may, with that person's consent, make in respect of a prescribed person such payments under section 57(1) of the 2001 Act or section 17A(1) of the 1989 Act as are determined in accordance with regulation 9 ("direct payments") in respect of the prescribed person securing the provision of a relevant service which the person is obliged to receive as a result of an obligation imposed under an enactment mentioned in Schedule 2;
 - (b) may, with that person's consent, make in respect of a prescribed person in respect of whom there is in force a condition imposed in accordance with section 42(2) or 73(4) (including such a condition which has been varied in accordance with section 73(5) or 75(3)) of the 1983 Act⁽¹⁾ or who is a patient who has been conditionally discharged under section 193(7) of the Mental Health (Care and Treatment) (Scotland) Act 2003⁽²⁾, direct payments in respect of the prescribed person securing the provision of a relevant service; and
 - (c) in all other cases must, with that person's consent, make in respect of a prescribed person direct payments in respect of the prescribed person securing the provision of a relevant service.
- (2) The conditions referred to in paragraph (1) are that the responsible authority are satisfied—
- (a) that the person's need for the relevant service can be met by securing the provision of it by means of a direct payment; and
 - (b) in the case of a relevant service as defined in paragraph (a)(iii) of the definition of that term in regulation 1(2), that the welfare of the child in respect of whom the service is needed will be safeguarded and promoted by securing the provision of it by means of a direct payment.

(1) Section 75 was amended by section 41 of the Mental Health Act 2007 (c.12) and by S.I. 2008/2833.

(2) 2003 asp 13.