
STATUTORY INSTRUMENTS

2010 No. 1000

The National Health Service (Direct
Payments) Regulations 2010

PART 3

Direct Payments

Amount of direct payment

16.—(1) The Secretary of State or an after-care PCT must ensure that the amount of the direct payments paid to or in respect of a patient is sufficient to provide for the full cost of each of the services specified in the care plan.

(2) Where the Secretary of State or after-care PCT is notified, or becomes aware, that the state of health of the patient has changed significantly, but in the view of the Secretary of State or after-care PCT a review mentioned in regulation 17 is not necessary, the Secretary of State or after-care PCT must be satisfied that the amount of the direct payments continues to be sufficient in accordance with paragraph (1).

(3) The Secretary of State or an after-care PCT may at any time increase or reduce the amount of the direct payments if satisfied that the new amount is sufficient in accordance with paragraph (1).

(4) The Secretary of State or after-care PCT may reduce the amount paid by way of direct payments by an amount not exceeding the amount due in respect of a period for which payment falls to be made where—

- (a) direct payments have accumulated and remain unused; and
- (b) the Secretary of State or after-care PCT considers that it is reasonable to offset the monies accumulated against the outstanding amount to be paid for that period.

(5) Where the Secretary of State or after-care PCT decides to reduce the amount of the direct payments, the Secretary of State or after-care PCT must provide reasonable notice in writing to the patient, representative or nominee stating the reasons for the decision.