



# Social Services and Well-being (Wales) Act 2014

2014 anaw 4

## PART 4 **E+W**

### MEETING NEEDS

#### *Direct payments*

#### **51 Direct payments to meet a child's needs **E+W****

- (1) Regulations may require or allow a local authority to make payments to a person towards the cost of meeting a child's needs for care and support under section 37, 38 or 39.
- (2) But regulations under subsection (1) may not require or allow payments to be made unless conditions 1 to 4 are met.
- (3) Condition 1 is that the payments are to be made to a person (“P”) who is—
  - (a) a person with parental responsibility for a child who has needs for care and support, or
  - (b) a child who has needs for care and support.
- (4) Condition 2 is that—
  - (a) where P is an adult or a child aged 16 or 17, P has, or the local authority believes that P has, capacity to consent to the making of the payments;
  - (b) where P is a child aged under 16, the local authority is satisfied that P has sufficient understanding to make an informed decision about receiving direct payments.
- (5) Condition 3 is that the local authority is satisfied that—
  - (a) making the payments is an appropriate way of meeting the child's needs,
  - (b) the well-being of the child will be safeguarded and promoted by the making of the payments, and

*Changes to legislation: Social Services and Well-being (Wales) Act 2014, Section 51 is up to date with all changes known to be in force on or before 20 April 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*

- (c) P is capable of managing the payments (either by himself or herself or with the support that is available to P).
- (6) Condition 4 is that P has consented to the making of the payments.
- (7) A payment under this section is referred to in this Act as a “direct payment”.

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**Commencement Information**

**II** S. 51 in force at 6.4.2016 by [S.I. 2016/412](#), **art. 2** (with [art. 4](#), [Schs. 1, 2](#))

**Changes to legislation:**

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[View outstanding changes](#)

**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):

- s. 162(4)(ga) inserted by [2022 asc 1 Sch. 4 para. 30\(2\)\(b\)](#)
- s. 163(4A) inserted by [2014 c. 23 s. 75\(10\)](#) (Effect inserting (4) not applied at s. 163 as it appears to relate to s. 194 in view of the title of the section as cited i.e. "ordinary residence". In s. 194 another (4), identically worded, is inserted on the same date by S.I. 2016/413, regs. 2(1), 316(a))