

SCHEDULES

SCHEDULE 4

DIRECT PAYMENTS: AFTER-CARE UNDER THE MENTAL HEALTH ACT 1983

PART 1

AFTER-CARE UNDER THE MENTAL HEALTH ACT 1983: DIRECT PAYMENTS

- 1 (1) Sections 31 (adults with capacity to request direct payments), 32 (adults without capacity to request direct payments) and 33 (direct payments: further provision) apply in relation to section 117 of the Mental Health Act 1983 but as if the following modifications were made to those sections.
- (2) For subsection (1) of section 31, substitute—
- “(1) This section applies where an adult to whom section 117 of the Mental Health Act 1983 (after-care) applies requests the local authority to make payments to the adult or a person nominated by the adult that are equivalent to the cost of providing or arranging for the provision of after-care services for the adult under that section.”
- (3) In subsection (5) of that section—
- (a) in paragraph (a), for “meeting the adult’s needs” substitute “discharging its duty under section 117 of the Mental Health Act 1983”, and
- (b) in paragraph (b), for “to meet the adult’s needs” substitute “to discharge its duty under that section”.
- (4) In subsection (7) of that section, for “to meet the needs in question” substitute “to discharge its duty under section 117 of the Mental Health Act 1983”.
- (5) For subsection (1) of section 32, substitute—
- “(1) This section applies where—
- (a) an adult to whom section 117 of the Mental Health Act 1983 (after-care) applies lacks capacity to request the local authority to make payments equivalent to the cost of providing or arranging for the provision of after-care services for the adult under that section, and
- (b) an authorised person requests the local authority to make such payments to the authorised person.”
- (6) In subsection (4)(a) of that section, for “the adult’s needs for care and support” substitute “the provision to the adult of after-care services under section 117 of the Mental Health Act 1983”.
- (7) In subsection (6) of that section—
- (a) in paragraph (a), for “meeting the adult’s needs” substitute “discharging its duty under section 117 of the Mental Health Act 1983”, and

Status: This is the original version (as it was originally enacted).

- (b) in paragraph (b), for “to meet the adult’s needs” substitute “to discharge its duty under that section”.
- (8) In subsection (7) of that section, for “the provision of the care and support” substitute “the provision of after-care services under section 117 of the Mental Health Act 1983”.
- (9) In subsection (9) of that section, for “to meet the needs in question” substitute “to discharge its duty under section 117 of the Mental Health Act 1983”.
- (10) In subsection (2)(a) of section 33, for “meet needs” substitute “discharge its duty under section 117 of the Mental Health Act 1983”.
- (11) For subsection (3) of that section, substitute—
 - “(3) A direct payment is made on condition that it be used only to pay for arrangements under which after-care services for the adult are provided under section 117 of the Mental Health Act 1983.”