



Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

Direct payments

31 Adults with capacity to request direct payments

- (1) This section applies where—
 - (a) a personal budget for an adult specifies an amount which the local authority must pay towards the cost of meeting the needs to which the personal budget relates, and
 - (b) the adult requests the local authority to meet some or all of those needs by making payments to the adult or a person nominated by the adult.
- (2) If conditions 1 to 4 are met, the local authority must, subject to regulations under section 33, make the payments to which the request relates to the adult or nominated person.
- (3) A payment under this section is referred to in this Part as a “direct payment”.
- (4) Condition 1 is that—
 - (a) the adult has capacity to make the request, and
 - (b) where there is a nominated person, that person agrees to receive the payments.
- (5) Condition 2 is that—
 - (a) the local authority is not prohibited by regulations under section 33 from meeting the adult’s needs by making direct payments to the adult or nominated person, and
 - (b) if regulations under that section give the local authority discretion to decide not to meet the adult’s needs by making direct payments to the adult or nominated person, it does not exercise that discretion.

Status: This is the original version (as it was originally enacted).

- (6) Condition 3 is that the local authority is satisfied that the adult or nominated person is capable of managing direct payments—
- (a) by himself or herself, or
 - (b) with whatever help the authority thinks the adult or nominated person will be able to access.
- (7) Condition 4 is that the local authority is satisfied that making direct payments to the adult or nominated person is an appropriate way to meet the needs in question.