



Care Act 2014

2014 CHAPTER 23

PART 1

CARE AND SUPPORT

Direct payments

33 Direct payments: further provision

- (1) Regulations must make further provision about direct payments.
- (2) The regulations may, in particular, specify—
 - (a) cases or circumstances in which a local authority must not, or cases or circumstances in which it has the discretion to decide not to, meet needs by making direct payments;
 - (b) conditions which a local authority may or must attach to the making of direct payments;
 - (c) matters to which a local authority may or must have regard when making a decision of a specified type in relation to direct payments;
 - (d) steps which a local authority may or must take before, or after, making a decision of a specified type in relation to direct payments;
 - (e) cases or circumstances in which an adult who lacks capacity to request the making of direct payments must or may nonetheless be regarded for the purposes of this Part or the regulations as having capacity to do so;
 - (f) cases or circumstances in which an adult who no longer lacks capacity to make such a request must or may nonetheless be regarded for any of those purposes as lacking capacity to do so;
 - (g) cases or circumstances in which a local authority making direct payments must review the making of those payments.
- (3) A direct payment is made on condition that it be used only to pay for arrangements under which the needs specified under section 25(2)(a) in the care and support plan or (as the case may be) the support plan are met.

Changes to legislation: Care Act 2014, Section 33 is up to date with all changes known to be in force on or before 23 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

- (4) In a case where one or more of conditions 1 to 4 in section 31 is no longer met or one or more of conditions 1 to 5 in section 32 is no longer met, the local authority must terminate the making of direct payments.
- (5) In a case where a condition specified under subsection (2)(b) or the condition mentioned in subsection (3) is breached, the local authority—
- (a) may terminate the making of direct payments, and
 - (b) may require repayment of the whole or part of a direct payment (with section 69 accordingly applying to sums which the local authority requires to be repaid).

Modifications etc. (not altering text)

- C1** Pt. 1 modified (1.4.2015) by [The Care and Support \(Isles of Scilly\) Order 2015 \(S.I. 2015/642\)](#), arts. 1, [2\(2\)\(a\)](#); [S.I. 2015/993](#), [art. 2\(a\)](#)
- C2** Pt. 1 applied in part (with modifications) (1.4.2015 coming into force in accordance with reg. 1(1)) by [The Care and Support \(Children's Carers\) Regulations 2015 \(S.I. 2015/305\)](#), regs. 1(1), [2\(1\)\(a\)\(2\)](#), 4-12; [S.I. 2015/993](#), [art. 2\(q\)](#)
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Commencement Information

- I1** S. 33(1)(2) in force at 1.10.2014 for specified purposes by [S.I. 2014/2473](#), [art. 2\(1\)\(j\)](#)
- I2** S. 33(1)(2) in force at 1.4.2015 in so far as not already in force by [S.I. 2015/993](#), [art. 2\(i\)](#) (with transitional provisions in [S.I. 2015/995](#))
- I3** S. 33(3)-(5) in force at 1.4.2015 by [S.I. 2015/993](#), [art. 2\(i\)](#) (with transitional provisions in [S.I. 2015/995](#))

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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. 15(2)-(3B) substituted for s. 15(2)(3) by [2022 c. 31 s. 166\(2\)](#)
- s. 26(1)-(2A) substituted for s. 26(1)(2) by [2022 c. 31 s. 166\(4\)](#)