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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 120**

**The Personal Social Services and Children's Services  
(Direct Payments) Regulations (Northern Ireland) 2004**

**Conditions in respect of direct payments**

7.—(1) A direct payment shall be subject to the condition that the service in respect of which it is made shall not be secured from a person specified in paragraph (2) unless –

- (a) in the case of the service mentioned in regulation 2(2)(a) or (b), the authority is satisfied that securing the service from such a person is necessary to meet satisfactorily the prescribed person's need for that service;
- (b) in the case of the service mentioned in regulation 2(2)(c), the authority is satisfied that securing the service from such a person is necessary for promoting the welfare of the child in need.

(2) The persons specified for the purposes of paragraph (1) are –

- (a) the spouse of the prescribed person;
- (b) a person who lives with the prescribed person as if his spouse;
- (c) a person living in the same household as the prescribed person who is the prescribed person's –
  - (i) parent or parent-in-law;
  - (ii) son or daughter;
  - (iii) son-in-law or daughter-in-law;
  - (iv) stepson or stepdaughter;
  - (v) brother or sister;
  - (vi) aunt or uncle; or
  - (vii) grandparent;
- (d) the spouse of any person specified in sub-paragraph (c) who lives in the same household as the prescribed person;
- (e) a person who lives with any person specified in sub-paragraph (c) as if that person's spouse.

(3) Paragraph 2 (c)(ii) and (iii) do not apply in the case of a person mentioned in Article 19C(2) (c) of the Children Order.

(4) An authority may make a direct payment subject to the following conditions:

- (a) that the payee shall not secure the relevant service from a particular person; and
- (b) that the payee shall provide such information to the authority as it considers necessary in connection with the direct payment.