

2003 No. 226

HEALTH AND PERSONAL SOCIAL SERVICES

**The Carers (Services) and Direct Payments Regulations
(Northern Ireland) 2003**

Made - - - - - *7th April 2003*

Coming into operation *5th May 2003*

The Department of Health, Social Services and Public Safety, in exercise of the powers conferred on it by Section 2 (3) and (4) and 10(5) of the Carers and Direct Payments Act (Northern Ireland) 2002(a), and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Carers (Services) and Direct Payments Regulations 2003 and shall come into operation on 5th May 2003.

(2) In these Regulations –

“the Act” means the Carers and Direct Payments Act (Northern Ireland) 2002.

Services of an intimate nature and prescribed circumstances

2.—(1) For the purposes of section 2(3) of the Act a service delivered to the person cared for is of an intimate nature if it involves –

- (a) lifting, washing, grooming, feeding, dressing, bathing, toileting, administering medicines or otherwise having physical contact with the person cared for;
- (b) assistance in connection with washing, grooming, feeding, dressing, bathing, administering medicines or using the toilet; or
- (c) supervising him whilst he is dressing, bathing or using the toilet

(2) Where a service is being delivered to the person cared for and –

- (a) during the delivery of that service the person cared for asks the person delivering the service to provide a service of an intimate nature; or
- (b) the person cared for is in a situation in which he is likely to suffer serious personal harm unless a service of an intimate nature is provided to him and
 - (i) the person cared for is unable to consent to the provision of that service, or
 - (ii) the person providing the service reasonably believes it is necessary to provide that service because the likelihood of serious personal harm to the person cared for is imminent;

a service of an intimate nature may be provided.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety
on 7th April 2003.

(L.S.)

Leslie Frew

Senior Officer of the Department of Health, Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Carers and Direct Payments Act (Northern Ireland) 2002 imposes a duty on authorities to assess the needs of carers in certain circumstances, and gives authorities the power to then offer services to carers to support them in their caring role. It further enables authorities to make direct payments to carers in lieu of the carers services they have been assessed as needing.

Under section 2 of the Act, a service provided to a carer may be delivered to the person cared for with his agreement. A service so delivered may not include anything of an intimate nature, except in prescribed circumstances. These regulations provide for what is of an intimate nature (regulation 2(1)). They further prescribe the circumstances in which a service of an intimate nature may be delivered to the person cared for (regulation 2(2)).

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