



# Health and Social Care Act 2001

## 2001 CHAPTER 15

### PART 4

#### SOCIAL CARE

##### *Direct payments*

#### **58 Direct payments in respect of children**

For section 17A of the Children Act 1989 (c. 41) there shall be substituted—

##### **“17A Direct payments**

- (1) The Secretary of State may by regulations make provision for and in connection with requiring or authorising the responsible authority in the case of a person of a prescribed description who falls within subsection (2) to make, with that person’s consent, such payments to him as they may determine in accordance with the regulations in respect of his securing the provision of the service mentioned in that subsection.
- (2) A person falls within this subsection if he is—
  - (a) a person with parental responsibility for a disabled child,
  - (b) a disabled person with parental responsibility for a child, or
  - (c) a disabled child aged 16 or 17,and a local authority (“the responsible authority”) have decided for the purposes of section 17 that the child’s needs (or, if he is such a disabled child, his needs) call for the provision by them of a service in exercise of functions conferred on them under that section.
- (3) Subsections (3) to (5) and (7) of section 57 of the 2001 Act shall apply, with any necessary modifications, in relation to regulations under this section as they apply in relation to regulations under that section.

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*Status: Point in time view as at 01/11/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2001, Section 58. (See end of Document for details)*

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- (4) Regulations under this section shall provide that, where payments are made under the regulations to a person falling within subsection (5)—
- (a) the payments shall be made at the rate mentioned in subsection (4)(a) of section 57 of the 2001 Act (as applied by subsection (3)); and
  - (b) subsection (4)(b) of that section shall not apply.
- (5) A person falls within this subsection if he is—
- (a) a person falling within subsection (2)(a) or (b) and the child in question is aged 16 or 17, or
  - (b) a person who is in receipt of income support, working families' tax credit or disabled person's tax credit under Part 7 of the Social Security Contributions and Benefits Act 1992 (c. 4) or of an income-based jobseeker's allowance.
- (6) In this section—
- “the 2001 Act” means the Health and Social Care Act 2001;
- “disabled” in relation to an adult has the same meaning as that given by section 17(11) in relation to a child;
- “prescribed” means specified in or determined in accordance with regulations under this section (and has the same meaning in the provisions of the 2001 Act mentioned in subsection (3) as they apply by virtue of that subsection).”

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**Commencement Information**

- I1** S. 58 in force at 16.3.2003 for specified purposes for E. by [S.I. 2003/850](#), [art. 3\(1\)\(b\)](#)
- I2** S. 58 in force at 8.4.2004 for E. in so far as not already in force by [S.I. 2003/850](#), [art. 3\(2\)\(a\)](#)
- I3** S. 58 in force at 8.7.2004 for specified purposes for W. by [S.I. 2004/1754](#), [art. 2\(1\)](#)
- I4** S. 58 in force at 1.11.2004 for W. in so far as not already in force by [S.I. 2004/1754](#), [art. 2\(2\)\(c\)](#)

**Status:**

Point in time view as at 01/11/2004.

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2001, Section 58.