
STATUTORY INSTRUMENTS

2009 No. 1887

The Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009

Citation, commencement, interpretation and application

1.—(1) These Regulations may be cited as the Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009 and shall come into force on 9th November 2009.

(2) In these Regulations—

“the 1983 Act” means the Mental Health Act 1983(1);

“the 1989 Act” means the Children Act 1989;

“the 1990 Act” means the National Health Service and Community Care Act 1990(2);

“the 2001 Act” means the Health and Social Care Act 2001;

“direct payment” has the meaning given in regulation 7 or 8;

“prescribed person” means a person falling within the description prescribed by regulation 2 or 4 who falls within section 57(2) of the 2001 Act or section 17A(2) of the 1989 Act;

“P” means a person falling within the description prescribed by regulation 3 who falls within subsection (2)(a) of section 57 of the 2001 Act and subsection (5A)(3) of that section or is reasonably believed by the responsible authority(4) to fall within that subsection;

“relevant service” means—

(a) in the case of direct payments under section 57(1) of the 2001 Act or section 17A(1) of the 1989 Act—

(i) a community care service within the meaning of section 46 of the 1990 Act(5),

(ii) a service under section 2 of the Carers and Disabled Children Act 2000(6) (services for carers), or

(iii) a service which the responsible authority(7) may provide in exercise of functions under section 17 of the 1989 Act(8) (provision of services for children in need, their families and others); or

(b) in the case of direct payments under section 57(1A) of the 2001 Act, a community care service within the meaning of section 46 of the 1990 Act;

(1) 1983 c.20.

(2) 1990 c.19.

(3) Section 57(5A) was inserted by section 146(6) of the 2008 Act.

(4) See section 57(2) of the 2001 Act for the definition of “responsible authority”.

(5) Section 46 was amended by paragraph 14 of Schedule 10 to the Local Government (Wales) Act 1994 (c.19) and by paragraphs 128 and 129 of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c.43).

(6) 2000 c.16.

(7) See section 17A(2) of the Children Act 1989 (“the 1989 Act”) for the definition of “responsible authority”.

(8) Section 17 was amended by section 7(1) and (2) of the Children (Leaving Care) Act 2000 (c.35), by paragraphs 15 and 16 of Schedule 3 to the Tax Credits Act 2002 (c.21), by section 116(1) of the Adoption and Children Act 2002 (c.38), by section 53(1) of the Children Act 2004 (c.31), by paragraph 6 of Schedule 3 to the Welfare Reform Act 2007 (c.5), by section 24 of the CYPA and by paragraph 1 of Schedule 1, paragraphs 1 and 2 of Schedule 3 and by Schedule 4 to that Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“S” is the suitable person referred to in regulation 8(1).

(3) These Regulations apply in relation to England.