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STATUTORY INSTRUMENTS

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**2010 No. 1000**

**The National Health Service (Direct  
Payments) Regulations 2010**

**PART 3**

**Direct Payments**

**Repayment of direct payments**

**18.**—(1) The Secretary of State or an after-care PCT may require that part or all of a direct payment must be repaid to the Secretary of State or the after-care PCT, if satisfied that it is appropriate to require repayment having regard in particular to whether—

- (a) the care plan has changed substantially;
- (b) the patient's circumstances have changed substantially;
- (c) a substantial proportion of the direct payments received by a patient, representative or nominee have not been used to secure services specified in the care plan and have accumulated;
- (d) the direct payments have been used otherwise than for a service specified in the care plan;
- (e) theft, fraud or another offence may have occurred in connection with the direct payments;  
or
- (f) the patient has died.

(2) Where the Secretary of State or an after-care PCT decides under paragraph (1) that a sum must be repaid, the Secretary of State or after-care PCT must give reasonable notice in writing to the patient and any representative or nominee, stating—

- (a) the reasons for the decision;
- (b) the amount to be repaid;
- (c) the time within which the sum must be repaid; and
- (d) identifying the person who must repay.

(3) In the case of a patient who has died, the notice mentioned in paragraph (2) must be given to the personal representatives of the patient.

(4) On receipt of a notice under paragraph (2), a patient, personal representative, representative or nominee may require the Secretary of State or after-care PCT to re-consider the decision, and may provide evidence or relevant information for the Secretary of State or after-care PCT to consider as part of that deliberation.

(5) The Secretary of State or after-care PCT must inform the patient and any personal representative, representative or nominee in writing of the decision on a re-consideration, stating the reasons for the decision, the amount to be repaid, if any, the time within which any sum must be repaid and identifying the person who must repay, if any.

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**Status:** This is the original version (as it was originally made).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

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(6) The Secretary of State or after-care PCT may not be required to undertake more than one re-consideration following a decision under paragraph (1).

(7) The Secretary of State or after-care PCT may waive any requirement pursuant to a decision under paragraph (1) or (4) for part or all of a direct payment to be repaid.