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STATUTORY INSTRUMENTS

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**2014 No. 2871**

**The Care and Support (Direct Payments) Regulations 2014**

**Direct payments in respect of after-care under the Mental Health Act 1983**

**11.**—(1) In respect of a direct payment to discharge the duty of a local authority under section 117 (after-care) of the 1983 Act<sup>(1)</sup>, these Regulations apply with the following modifications—

- (a) in regulation 2 for “meet needs” substitute “discharge its duty under section 117 of the 1983 Act”;
- (b) in regulation 3—
  - (i) in paragraph (1), for “meet the needs of the adult in respect of whose needs the direct payment is made” substitute “provide after-care services to the adult to discharge the duty under section 117 of the 1983 Act”, and
  - (ii) in paragraph (2)(a), for “meet the care needs of the adult” substitute “provide after-care services to the adult to discharge the duty under section 117 of the 1983 Act”;
- (c) in regulation 4—
  - (i) in paragraph (2)(a), for “needs may not be met” substitute “after-care services may not be provided”,
  - (ii) in paragraph (3)(a), for “needs of the adult to be met” substitute “after-care services to be provided”, and
  - (iii) in paragraph (3)(b)(i)(aa), for “meet the needs in question” substitute “discharge its duty under section 117 of the 1983 Act”;
- (d) in regulation 5, in paragraph (2)(b)(i), for “meet his or her needs by making direct payments” substitute “make payments to the adult or a person nominated by the adult that are equivalent to the cost of providing or arranging for the provision of after-care services for the adult under section 117 of the 1983 Act”;
- (e) in regulation 7—
  - (i) in paragraph (1), for “meet the adult’s needs” substitute “discharge its duty under section 117 of the 1983 Act”,
  - (ii) in paragraph (1)(c), for “to meet the needs of an adult under section 31 of the Act” substitute “discharge its duty under section 117 of the 1983 Act”,
  - (iii) in paragraph (1)(c)(i), for “meet any of those needs” substitute “make payments to the adult or a person nominated by the adult that are equivalent to the cost of providing or arranging for the provision of after-care services for the adult under section 117 of the 1983 Act”,

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(1) [1983 c.20](#); section 117 was amended by the Health Authorities Act [1995 \(c.17\)](#) Schedule 1, paragraphs 107(1) and (8)(b); the Mental Health (Patients in the Community) Act [1995 \(c.52\)](#), Schedule 1, paragraph 15; the Crime (Sentences) Act [1997 \(c.43\)](#), Schedule 4, paragraph 12(17); the National Health Service Reform and Health Care Professions Act [2002 \(c.17\)](#), Schedule 2, paragraphs 42 and 47; the Mental Health Act [2007 \(c.12\)](#), Schedule 3, paragraphs 1 and 24 and Schedule 11, Part 5; the Health Act [2009 \(c.21\)](#), Schedule 1, paragraph 3; the Health and Social Care Act [2012 \(c.7\)](#), section 40(1) to (4); and by [S.I. 2007/961](#) and is prospectively amended by section 75 of the Act.

- (iv) in paragraph (1)(d), for “to meet the needs of an adult under section 32 of the Act” substitute “under section 32 of the Act to discharge its duty under section 117 of the 1983 Act”,
  - (v) in paragraph (1)(d)(i), for “meet any of those needs” substitute “make payments to the adult or a person nominated by the adult that are equivalent to the cost of providing or arranging for the provision of after-care services for the adult under section 117 of the 1983 Act”,
  - (vi) in paragraph (1)(d)(ii), for “to meet the needs” substitute “only to pay for arrangements under which after-care services for the adult are provided under section 117 of the 1983 Act”,
  - (vii) in paragraph (2)(e)(ii)(aa) and (3)(b)(i), for “the adult’s needs for care and support” substitute “the provision of after-care services under section 117 of the 1983 Act”;  
and
  - (f) in regulation 9, in paragraph (2), for “meet the needs to which the adult’s personal budget relates” substitute “make payments to the adult or a person nominated by the adult that are equivalent to the cost of providing or arranging for the provision of after-care services for the adult under section 117 of the 1983 Act”.
- (2) In this regulation “the 1983 Act” means the Mental Health Act 1983.