
STATUTORY INSTRUMENTS

2014 No. 2871

The Care and Support (Direct Payments) Regulations 2014

Making of direct payments for an adult who no longer has capacity to request the making of direct payments

8.—(1) For the purpose of ascertaining whether section 33(4) (termination of direct payments) of the Act applies, an adult who lacks capacity to request the making of direct payments may nonetheless be regarded by a local authority as having capacity to do so in the circumstances in paragraph (2).

(2) The circumstances are that—

- (a) the authority is satisfied that the adult's lack of capacity to make the request is temporary; and
- (b) another person who appears to the authority to be capable of managing a direct payment is prepared to accept and manage such payments on behalf of the adult during the period of the adult's incapacity.