
WELSH STATUTORY INSTRUMENTS

2004 No. 1748

The Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2004

Conditions in respect of direct payments

7.—(1) A direct payment shall be subject to the condition that the service in respect of which it is made shall not be secured from a person mentioned in paragraph (2) unless —

- (a) in the case of a relevant service mentioned in regulation 5(2)(a) or (b), the responsible authority are satisfied that securing the service from such a person is necessary to meet satisfactorily the prescribed person's need for that service;
- (b) in the case of a relevant service mentioned in regulation 5(2)(c), the responsible authority are satisfied that securing the service from such a person is necessary for promoting the welfare of the child in need.

(2) The persons are —

- (a) the spouse of the prescribed person;
- (b) a person who lives with the prescribed person as if his or her spouse;
- (c) a person living in the same household as the prescribed person who is his or her —
 - (i) parent or parent-in-law;
 - (ii) son or daughter;
 - (iii) son-in-law or daughter-in-law;
 - (iv) stepson or stepdaughter;
 - (v) brother or sister;
 - (vi) aunt or uncle; or
 - (vii) grandparent;
- (d) the spouse of any person falling within sub-paragraph (c) who lives in the same household as the prescribed person; and
- (e) a person who lives with any person falling within sub-paragraph (c) as if that person's spouse.

(3) Paragraph (2)(c)(ii) and (iii) do not apply in the case of a person mentioned in section 17A(2)(c) of the 1989 Act⁽¹⁾.

(4) A responsible authority may make a direct payment subject to such other conditions (if any) as they think fit.

(5) The conditions referred to in paragraph (4) may, in particular, require that the payee —

- (a) must not secure the relevant service from a particular person;
- (b) must provide such information to the responsible authority as they consider necessary in connection with the direct payment.

⁽¹⁾ A disabled child aged 16 or 17 is the person mentioned in section 17A(2)(c).

Status: This is the original version (as it was originally made).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