
WELSH STATUTORY INSTRUMENTS

2011 No. 963

The Social Care Charges (Direct Payments) (Means Assessment and Determination of Reimbursement or Contribution) (Wales) Regulations 2011

Persons and services in respect of which reimbursement or contribution must not be required

4.—(1) A local authority must not require or seek any payment towards the cost of securing the provision of a service in accordance with the 2011 Regulations from D who —

- (a) has been offered or is receiving a direct payment to secure the provision of a service, and who is suffering from any form of Creutzfeldt Jacob disease where that disease has been clinically diagnosed by a registered medical practitioner;
- (b) has been offered or is receiving a direct payment to secure the provision of a service, which forms part of a package of after care services in accordance with section 117 of the Mental Health Act 1983 (after care)(1);
- (c) has had a means assessment undertaken by a local authority and been assessed as having a net income of less than the total amount referred to in regulation 17(2).

(2) A local authority may not seek any reimbursement or contribution for that part of a direct payment which is intended to meet the reasonable cost of transport to attend a day service, where attendance at the day service and the provision of transport to enable such attendance is included in D's needs assessment.

(3) A local authority must not seek to recover any amount from D towards the costs of the provision of a statement of information provided in accordance with regulation 19.

(4) Nothing in this regulation affects the discretion of a local authority to specify additional categories of D or services from whom or in respect of which payment of an amount may not be required or sought.

(5) Regulations 5 to 19 do not apply to the persons referred to in sub-paragraphs (a) or (b) of paragraph (1).