



# Social Care (Self-directed Support) (Scotland) Act 2013

## 2013 asp 1

### *Direct payments*

#### **15 Power to make further provision about direct payments**

- (1) The Scottish Ministers may by regulations make further provision about direct payments.
- (2) Regulations under subsection (1) may in particular make provision for or in connection with—
  - (a) specifying descriptions of person who are ineligible to receive direct payments,
  - (b) specifying circumstances in which a local authority is not to be required under section 5, 7 or 8 to give a person the opportunity to choose—
    - (i) Option 1 of the options for self-directed support, and
    - (ii) so far as relating to that option, Option 4,
  - (c) specifying the circumstances in which a local authority may require a person to contribute to a direct payment,
  - (d) enabling a local authority to assess or reassess a person's ability to contribute to the cost of securing the support to which a direct payment relates,
  - (e) specifying the ways in which direct payments may be paid or repaid,
  - (f) specifying circumstances in which a local authority may, must or may not terminate the making of a direct payment,
  - (g) specifying circumstances in which a local authority may pay all or part of a direct payment to a person other than the person to whom the direct payment relates,
  - (h) specifying descriptions of person to whom direct payments may not be made under paragraph (g),
  - (i) specifying descriptions of person who are prohibited from providing support to which a direct payment relates other than in such circumstances as are specified,
  - (j) specifying conditions which must be satisfied by persons before they may provide support to which a direct payment relates.

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*Changes to legislation: There are currently no known outstanding effects for the Social Care (Self-directed Support) (Scotland) Act 2013, Cross Heading: Direct payments. (See end of Document for details)*

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## 16 Misuse of direct payment: recovery

- (1) Subsection (2) applies where—
- (a) a local authority makes a direct payment to a person, and
  - (b) the authority considers—
    - (i) that the direct payment has been used (wholly or partly) for some purpose other than to secure the provision of the support to which it relates, or
    - (ii) that there has been a contravention of provision made by regulations under section 15 in relation to the direct payment.
- (2) The authority may require the person to repay a sum equal to—
- (a) the direct payment, or
  - (b) such part of the direct payment as the authority considers appropriate.

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### Commencement Information

**II** S. 16 in force at 1.4.2014 by S.S.I. 2014/32, art. 3

**Changes to legislation:**

There are currently no known outstanding effects for the Social Care (Self-directed Support) (Scotland) Act 2013, Cross Heading: Direct payments.