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STATUTORY INSTRUMENTS

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**2009 No. 1887**

**The Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2009**

**Conditions in respect of direct payments under section 57(1) of the 2001 Act or section 17A(1) of the 1989 Act**

**11.**—(1) A direct payment under section 57(1) of the 2001 Act or section 17A(1) of the 1989 Act 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 the responsible authority are satisfied that securing the service from such a person is necessary —

- (a) in the case of a relevant service as defined in paragraph (a)(i) or (ii) of the definition of that term in regulation 1(2), to meet satisfactorily the prescribed person's need for that service; or
- (b) in the case of a relevant service as defined in paragraph (a)(iii) of the definition of that term in regulation 1(2), for promoting the welfare of the child in respect of whom the service is needed.

(2) The persons referred to in paragraph (1) are—

- (a) the spouse or civil partner of the prescribed person;
- (b) a person who lives with the prescribed person as if their spouse or civil partner;
- (c) a person living in the same household as the prescribed person who is the prescribed person's—
  - (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 or civil partner of any person specified in sub-paragraph (c) who lives in the same household as the prescribed person; and
- (e) a person who lives with any person specified in sub-paragraph (c) as if that person's spouse or civil partner.

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

(4) A responsible authority may make a direct payment under section 57(1) of the 2001 Act or section 17A(1) of the 1989 Act 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) shall not secure the relevant service from a particular person; and

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- (b) shall provide such information to the responsible authority as the authority consider necessary in connection with the direct payment.