

SCHEDULE 1

Pilot Scheme

PART 2

Circumstances in which direct payments may be made

Nominees

7.—(1) Subject to sub-paragraph (2), a local authority may make direct payments to a nominee where—

- (a) the parent of a beneficiary, where the beneficiary has not yet attained the age of 16; or
- (b) the beneficiary, where the beneficiary has attained the age of 16,

with capacity to consent to the making of direct payments to them, nominates in writing a person (a “nominee”) to receive the direct payments on their behalf.

(2) Direct payments may only be made to a nominee where the nominee—

- (a) agrees in writing to—
 - (i) act on behalf of the parent or beneficiary in relation to the direct payments;
 - (ii) use the direct payments to secure the agreed provision; and
 - (iii) act in the best interests of the beneficiary when securing the agreed provision; and
- (b) is not a person described in Part 4.

(3) If the parent or beneficiary notifies the local authority in writing that they wish to withdraw or change their nomination, the local authority must stop making direct payments to the nominee as soon as reasonably practicable and, where applicable, consider whether to make direct payments to the alternative nominee.