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STATUTORY INSTRUMENTS

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**2013 No. 1617**

**The National Health Service (Direct Payments) Regulations 2013**

**PART 2**

**Direct Payments**

**Direct payments in respect of children**

- 4.—(1) A direct payment may be made in respect of a person who is a child, if that person—
- (a) is a person for whose benefit anything may or must be provided or arranged by a health body—
    - (i) under the 2006 Act, or
    - (ii) in the case of a CCG or the Board, under any other enactment;
  - (b) is not a person described in the Schedule; and
  - (c) has a representative who consents to the making of direct payments in respect of that person.
- (2) In determining whether a direct payment should be made in respect of a person falling within paragraph (1), a health body must have regard to—
- (a) whether it is appropriate for a person with that person's condition;
  - (b) the impact of that condition on that person's life; and
  - (c) whether a direct payment represents value for money.
- (3) A representative to whom a direct payment may be made in respect of a person who is a child must—
- (a) agree to act on the patient's behalf in relation to the direct payment;
  - (b) act in the best interests of the patient when securing the provision of services in respect of which the direct payment is made;
  - (c) be responsible as a principal for all contractual arrangements entered into for the benefit of the patient and secured by means of the direct payment;
  - (d) use the direct payment in accordance with the care plan; and
  - (e) comply with the relevant provisions of these Regulations.
- (4) Where a patient reaches the age of 16—
- (a) if the patient and any representative or nominee consents, the health body may continue to make direct payments to the representative or nominee of the patient in accordance with the care plan;
  - (b) if the patient does not consent to the continued making of direct payments to the representative or nominee, the health body must stop making the direct payments; and

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**Status:** This is the original version (as it was originally made).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

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- (c) the health body must as soon as reasonably possible review the making of the direct payments in accordance with regulation 14 (monitoring and review of direct payments).