STATUTORY INSTRUMENTS

2016 No. 167

SOCIAL CARE, ENGLAND

The Care and Support (Direct Payments) (Amendment) Regulations 2016

Made - - - -	*10th February 2016*
Laid before Parliament	*17th February 2016*
Coming into force - -	*1st April 2016*

The Secretary of State having had regard to the general duty of local authorities under section 1(1) of the Care Act 2014(**a**) (promotion of individual well-being)(**b**) makes these Regulations in exercise of the powers conferred by sections 33(1) and (2), 75(7), and 125(7) and (8) of that Act.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Care and Support (Direct Payments) (Amendment) Regulations 2016 and come into force on 1st April 2016.

(2) In these Regulations "the Principal Regulations" means the Care and Support (Direct Payments) Regulations 2014(**c**).

Amendment to the Principal Regulations 2014

2. In Schedule 2 to the Principal Regulations(**d**) (list of local authorities who are not prohibited from making a direct payment for the purpose of securing long term care in a care home) omit "Staffordshire County Council".

Transitional Provision

3. Regulation 2 of these Regulations has no effect in respect of direct payments made to an adult by the local authority mentioned in that regulation provided that immediately before the coming into force of these Regulations the authority was making direct payments to that adult by virtue of the authority being listed in Schedule 2 to the Principal Regulations.

Signed by authority of the Secretary of State for Health.

Alistair Burt

(**a**) 2014 c.23. The powers to make regulations are exercisable by the Secretary of State; *see* section 125(1). Section 75(7) of the Act provides that a local authority may discharge its duty under section 117 (after care) of the Mental Health Act 1983 (c.20) by making direct payments and that section of, and paragraph 1(10) of Schedule 4 to, the Act modify section 33(2) accordingly.
(**b**) *See* section 78(3).
(**c**) S.I. 2014/2871
(**d**) Schedule 2 has been amended by S.I. 2015/644.

10th February 2016

Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations omits Staffordshire County Council from Schedule 2 to the Care and Support (Direct Payments) Regulations 2014 (the 2014 Regulations) so that they may no longer make direct payments for the provision of accommodation in a care home for a period of more than 4 consecutive weeks in any 12 month period.

Regulation 3 provides in effect that regulation 2 has no effect in respect of direct payments made by that local authority to an adult whose needs for such accommodation for such a period were being met by the making of a direct payment by the authority immediately before these Regulations come into force.

A full Impact Assessment has not been produced for this instrument as no impact on the private sector or civil society organisations is foreseen.

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