

**20/01/10: Disability Rights Appeal Not Heard  
For Immediate Release.**

The Court of Appeal case seeking to obtain a right to direct payments for health care, did not go ahead today because at the last minute the Appellants' legal advisers became aware that new legislation addressing the issue was to be brought into force the day before the Hearing.

This late news changed the legal arguments because the arguments would now have to address the new legislation.

Lindsey Rhodes of Switalskis Solicitors explained: " We were of course aware that the Health Act 2009 had obtained Royal Assent on 12 November 2009 but we considered our argument that Steven Harrison and Valerie Garnham should receive cash payments to allow them to buy their own health care was still relevant because the Act had not come into force. At that time there was no indication that it would be brought into force any time in the near future, and the Appellants could realistically expect that it might be many months before the Act was given effect, if at all (given the possibility of a change of government in May 2010)"

"The new law is good news in many ways because the new act allows pilot schemes to be introduced to test out direct payment for health care needs and the law as it stands is now will help many disabled people in the future access or retain independent living in their own homes."

"The big **but** for us is that Steven and Valerie will not have access to the pilot scheme because their local Primary Care Trusts have not been accepted as pilot areas. In addition many other people who were waiting the outcome of this important test case will be disappointed because their chance to achieve independent living will have to await the outcome of the pilot schemes."

ENDS

**NOTES TO EDITORS**

**For more information contact**

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