



National Assistance Act 1948

1948 CHAPTER 29

PART IV

GENERAL AND SUPPLEMENTARY.

Supplementary.

53 The Appeal Tribunal.

For the purposes of this Act, the Appeal Tribunal shall be such of the tribunals constituted in accordance with the provisions of the Fifth Schedule to this Act as under that Schedule has jurisdiction in the case in question.

54 Inquiries.

The Minister of Health, or as respects Scotland the Secretary of State, may cause such inquiries to be held as he may deem necessary or desirable for the purposes of this Act.

55 Provisions as to entry and inspection.

- (1) A person who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce some duly authenticated document showing his authority to exercise the power.
- (2) Any person who obstructs the exercise of any such power as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds in the case of a first offence or twenty pounds in the case of a second or any subsequent offence.

56 Legal proceedings.

- (1) Without prejudice to any other method of recovery, any sum due under this Act to the Board or to a local authority shall be recoverable summarily as a civil debt.

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- (2) Notwithstanding anything in any Act, proceedings for the recovery of any sum in the manner provided by the last foregoing subsection may be brought at any time within three years after the sum became due.
- (3) The council of a county or county borough may prosecute for any offence under this Act.
- (4) Where the Board are a party to any proceedings under this Act before a court of summary jurisdiction, any officer of the Board authorised in that behalf by a general or special direction of the Board may appear on behalf of the Board notwithstanding that he is not of counsel or a solicitor,
- (5) This section shall apply to Scotland with the omission in subsection (1) thereof of the word " summarily ", with the substitution for subsection (2) thereof of the following subsection—
 - “(2) Proceedings for the recovery of any such sum as aforesaid shall not be competent after the expiry of three years after the date when the sum became due.”
 and with the omission of subsection (3) thereof.

57 Ascertainment of war savings.

- (1) The Treasury may make regulations authorising or requiring the Postmaster-General and his officers and any officers of a savings bank to make such disclosure of holdings of Government stock on the Post Office Register and National Savings Certificates and of deposits in the bank as may appear necessary for the purpose of ascertaining the war savings of a person under the provisions of the Second Schedule to this Act or any corresponding enactment of the Parliament of Northern Ireland, notwithstanding that such disclosure is prohibited by or under any Act or by the rules of the bank in question.
- (2) This section shall extend to Northern Ireland.

58 Acquisition of land.

- (1) The council of a county borough may be authorised by the Minister of Health to purchase compulsorily any land, whether situate within or without the area of the council, for the purpose of any of their functions under Part III of this Act, and the council of a county or large burgh in Scotland may be authorised by the Secretary of State to purchase compulsorily any land, whether situated within or outside the county or burgh, for the purpose of any of their functions under the said Part III.
- (2) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply in relation to the compulsory purchase of land by the council of a county borough under this section as, by virtue of subsection (1) of section one hundred and fifty-nine of the Local Government Act, 1933, it applies to the compulsory purchase of land by a county council for the purpose of their functions under Part III of this Act; and accordingly for the purposes of the said Act of 1946 subsection (1) of this section shall be deemed to have been in force immediately before the commencement of that Act.
- (3) Section two of the said Act of 1946 (which confers temporary powers for the speedy acquisition of land in urgent cases) shall not apply to the acquisition of land for the purposes of this Act, whether by a county council or by a county borough council,

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- (4) The provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 (other than section two thereof) shall apply in relation to the compulsory purchase of land under this section as if subsection (1) thereof had been in force immediately before the commencement of the said Act,

59 Accounts of councils of county boroughs.

- (1) The council of every county borough shall keep accounts of the sums received and expended by them in the exercise of their functions under this Act, and those accounts shall be made up and audited in like manner as the accounts of a county council and shall be kept separately from their other accounts.
- (2) The enactments' relating to the audit of accounts by a district auditor and to the matters incidental to such audit and consequential thereon shall have effect in relation to the accounts which the council of a county borough are required to keep under this section as they have effect in relation to the accounts of a county council.

60 Compensation of displaced officers.

- (1) The Minister of Health, or as respects Scotland the Secretary of State, may by regulations provide for the payment by councils of counties, county boroughs and large burghs, subject to any prescribed exceptions or conditions, of compensation—
- (a) to persons of such descriptions as may be prescribed who immediately before such date as may be prescribed in relation to the description of persons in question were employed or engaged in such full-time work as may be prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to the passing of the National Insurance Acts, 1946, the National Health Service Act, 1946, the National Health Service (Scotland) Act, 1947, or this Act; and
 - (b) to persons of such descriptions as may be prescribed who, having before such date as aforesaid been employed or engaged in such full-time work as may be prescribed and being persons who would have been so employed or engaged immediately before that date but for any national service (as denned in the regulations) in which they have been engaged, lose the prospect of their re-employment or re-engagement in any such work in consequence of the passing of any of the said Acts,
- in so far as provision is not made in that behalf by or under any other enactment.
- (2) The Treasury may by regulations provide for the payment out of moneys provided by Parliament of compensation, subject to any prescribed exceptions or conditions, to persons employed for the purposes of pension committees established under the Old Age Pensions Act, 1936, who suffer loss of employment attributable to the passing of this Act, being persons who are in full-time employment in service which is either wholly for the said purposes or mainly for those purposes and as to the remainder for the purposes of the council of any county, borough or urban district or of any county or town council in Scotland.
- (3) Regulations under either of the two last foregoing subsections may provide for the determination of questions arising under the regulations.

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61 Expenses and receipts.

- (1) There shall be defrayed out of moneys provided by Parliament—
- (a) the expenses of the Board incurred in giving assistance under this Act (including the defraying of travelling expenses of persons applying for or receiving assistance and other expenses of the Board incurred for purposes incidental to the giving of assistance), in the provision and management of re-establishment centres and reception centres, and in making contributions to voluntary organisations maintaining centres for purposes similar to the purposes of re-establishment centres and reception centres, and any other expenses of the Board being administrative expenses incurred under or by virtue of this Act;
 - (b) the salaries and allowances of the secretary, other officers and servants of the Board and any expenses incurred under the provisions of this Act relating to payments to members of advisory committees and of the Appeal Tribunal and to persons attending proceedings before the Appeal Tribunal;
 - (c) any expenses of the Minister of Health or the Secretary of State incurred under section twenty-eight or thirty-six of this Act;
 - (d) any increase attributable to this Act in the sums payable out of moneys provided by Parliament under the Old Age Pensions Act, 1936, the National Health Service Act, 1946, or the National Health Service (Scotland) Act, 1947;
 - (e) the administrative expenses incurred under this Act of any Government department.
- (2) All receipts under this Act of the Minister of Health, the Secretary of State or the Board shall be paid into the Exchequer.

62 Transitional provisions, consequential adaptation of enactments and repeals.

- (1) The transitional provisions set out in the Sixth Schedule to this Act shall have effect for the purposes of this Act.
- (2) Any enactment passed before the passing of this Act which refers to or is dependent on any provision of the existing poor law or the Unemployment Assistance Act, 1934, shall have effect subject to such adaptations as may be provided by regulations of the Minister of Health, or as respects Scotland the Secretary of State, made not later than the expiration of five years from the coming into operation of this section, being adaptations appearing to him consequential on the cesser of the existing poor law or of the provisions of the said Act of 1934 and the replacement thereof by provisions of this Act or of any other Act of the present Session.
- (3) The enactments specified in the Seventh Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (4) Regulations made under subsection (2) of this section shall be of no effect unless approved by resolution of each House of Parliament.

63 Regulations, rules and orders.

- (1) No regulations or rules of the Board under this Act shall take effect unless confirmed by the Minister of National Insurance.

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- (2) Any power conferred by this Act on a Minister of the Crown or the Treasury to make or confirm regulations or rules, and the powers conferred by the following provisions of this Act on the Minister of Health and the Secretary of State to make orders, shall be exercisable by statutory instrument.
- (3) Any statutory instrument for exercising a power to make or confirm regulations or rules under this Act, other than an instrument for exercising the power to make regulations under section five of this Act or under the last foregoing section, shall be subject to annulment in pursuance of resolution of either House of Parliament.
- (4) Any power conferred by this Act to make an order shall, save where the context otherwise requires, be construed as including a power, exercisable in the like manner and subject to the like conditions, to vary or revoke the order.

64 Interpretation.

- (1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—
 - " blind person " means a person so blind as to be unable to perform any work for which eyesight is essential;
 - " child " means a person under the age of sixteen;
 - " dependant " has the meaning assigned to it by section seven of this Act;
 - " disability " includes mental as well as physical disability;
 - " disabled persons' or old persons' home " has the meaning assigned to it by section thirty-seven of this Act;
 - " existing poor law " means the enactments specified in Part I of the Seventh Schedule to this Act or, as respects Scotland, such of those enactments as apply to Scotland together with the enactments specified in Part II of that Schedule;
 - " functions " includes powers and duties;
 - " hospital " has the meaning assigned to it by section seventy-nine of the National Health Service Act, 1946, or as respects Scotland by section eighty of the National Health Service (Scotland) Act, 1947;
 - " large burgh " has the same meaning as in the Local Government (Scotland) Act, 1947;
 - " local authority ", save as provided in Part III of this Act, means the council of a county, county borough county district or metropolitan borough or the Common Council of the City of London;
 - " place of employment " has the same meaning as in section thirteen of the National Insurance Act, 1946;
 - " prescribed " means prescribed by regulations under this Act;
 - " requirements " does not include any medical, surgical, optical, aural or dental requirements;
 - " trade dispute " has the same meaning as in section thirteen of the National Insurance Act, 1946;
 - " voluntary organisation " means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.
- (2) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any enactment, including this Act.

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- (3) For the purposes of this Act, a person shall be deemed, according to the law in England and Wales as well as according to the law in Scotland, not to have attained the age of sixteen years until the commencement of the sixteenth anniversary of the day of his birth.

65 General provisions as to application to Scotland.

Subject to any express provision contained in this Act, the following provisions shall have effect for the general application thereof to Scotland:—

- (a) references to counties and the councils thereof shall be construed, in relation to counties combined for the purposes mentioned in subsection (1) of section one hundred and eighteen of the Local Government (Scotland) Act, 1947, as references to the combined county and the joint county council;
- (b) a small burgh, as defined in the said Act of 1947, shall, for the purposes of any provision conferring functions on county councils and town councils of large burghs only, be deemed to be included in the county in the area of which it is situated;
- (c) for any reference to a court of summary jurisdiction there shall be substituted a reference to the sheriff;
- (d) for any reference to a complaint there shall be substituted a reference to an application, and the expression "defendant" means respondent in any such application;
- (e) the expression "local authority" means in subsection (3) of section two of this Act a county, town or district council, and elsewhere a county or town council.

66 Application to Isles of Scilly.

This Act shall, in its application to the Isles of Scilly, have effect subject to such exceptions, adaptations and modifications as the Minister of Health may by order direct.

67 Provisions as to Northern Ireland.

- (1) Any Act of the Parliament of Northern Ireland having effect for purposes similar to all or any of the purposes of this Act may repeal or alter, in its application to Northern Ireland, any such enactment as follows, that is to say—
- (a) any enactment specified in the Seventh Schedule to this Act,
 - (b) any other enactment in so far as it refers to or is dependent on any provision of the law relating to the relief of the poor in Northern Ireland,
- notwithstanding that the enactment was passed after the appointed day for the purposes of section six of the Government of Ireland Act, 1920, or relates to matters with respect to which that Parliament have not, apart from this subsection, power to make laws.
- (2) Save as expressly provided therein, the provisions of this Act other than the last foregoing subsection shall not extend to Northern Ireland

68 Short title and commencement.

- (1) This Act may be cited as the National Assistance Act, 1948.

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- (2) This Act shall come into operation on such day as the Minister of Health, or as respects Scotland the Secretary of State, may by order appoint, and different days may be appointed in relation to different provisions of this Act.