



Health Services and Public Health Act 1968

1968 CHAPTER 46

PART II

AMENDMENTS CONNECTED WITH LOCAL AUTHORITIES' SERVICES UNDER THE NATIONAL ASSISTANCE ACT 1948

44 Extension of power, under the National Assistance Act 1948, of local authority to provide accommodation elsewhere than in premises managed by them or another such authority

(1) For subsection (1) of section 26 of the National Assistance Act 1948 (provision of accommodation in premises maintained by voluntary organisations), there shall be substituted the following subsections:—

“(1) Notwithstanding anything in the foregoing provisions of this Part of this Act, but subject to the next following subsection, a scheme under section twenty-one thereof may provide that a local authority—

- (a) may make, in lieu or in supplementation of the provision, in premises managed by them or another local authority, of accommodation of the kind mentioned in paragraph (a) of subsection (1) of the said section twenty-one, arrangements—
 - (i) with a voluntary organisation managing any premises, for the provision in those premises of accommodation of that kind ;
 - (ii) with a person registered under section thirty-seven of this Act in respect of a disabled persons' or old persons' home, for the provision in that home of accommodation of that kind ; and
- (b) may make, in lieu or in supplementation of the provision, in premises managed by them or another local authority, of accommodation of the kind mentioned in paragraph (b) of the said subsection (1), arrangements with a voluntary organisation managing any premises for the provision in those premises of accommodation of that kind.

(1A) No arrangements shall be made by virtue of paragraph (a) of the foregoing subsection by a local authority with a person who has been convicted of an offence against regulations under section forty of this Act”.

(2) In subsection (2) of the said section 26 (which requires arrangements under subsection (1) of that section to provide for the making by the local authority of payments to the voluntary organisation with which they are made) for the words "the organisation " there shall be substituted the words " the other party thereto ".

45 Promotion, by local authorities, of the welfare of old people

(1) A local authority may with the approval of the Minister of Health, and to such extent as he may direct shall, make arrangements for promoting the welfare of old people.

(2) A local authority may recover from persons availing themselves of any service provided in pursuance of arrangements made under this section such charges (if any) as, having regard to the cost of the service, the authority may determine, whether generally or in the circumstances of any particular case.

(3) A local authority may employ as their agent for the purposes of this section any voluntary organisation having for its sole or principal object, or among its principal objects, the promotion of the welfare of old people.

(4) No arrangements under this section shall provide—

- (a) for the payment of money to old people except in so far as the arrangements may provide for the remuneration of old people engaged in suitable work in accordance with the arrangements;
- (b) for making available any accommodation or services required to be provided under the National Health Service Act 1946 or Part I of this Act.

(5) The National Assistance Act 1948 shall have effect as if the following references included a reference to this section, that is to say.—

- (a) the reference, in section 32, to section 29 of that Act;
- (b) the references, in sections 35, 36, 45, 52 and 58 and Parts I and II of Schedule 3 (except in the first place in paragraph 1(1)), to Part III of that Act;
- (c) the references, in sections 54, 56 and 59, to that Act.

(6) Subject to the next following subsection, all matters relating to the discharge of the functions of a local authority under this section shall stand referred to the committee established by that authority in pursuance of paragraph 1 of Schedule 3 to the said Act of 1948.

(7) A direction given, before the coming into operation of this section, by the Minister of Health under paragraph 7(1) of the said Schedule 3 that matters relating to, or including matters relating to, the discharge of functions of an authority under section 29 of the said Act of 1948 shall, instead of being referred to the committee established as aforesaid, stand referred to some other committee, shall have effect as if it extended to all matters relating to the discharge of their functions under this section.

(8) Subsection (1) of section 46 of the Local Government Act 1958 shall have effect as if the functions of councils of counties which may, under schemes made under that section, be exercisable by the councils of county districts, included functions under this section of the first mentioned councils.

- (9) The Health Visiting and Social Work (Training) Act 1962 shall have effect in relation to functions of local authorities under this section as it does in relation to functions of local authorities under Part III of the National Assistance Act 1948.
- (10) Section 31(1) of the National Assistance Act 1948 (which empowers local authorities to make arrangements for the provision of meals and recreation for old people) shall cease to have effect except as respects the councils of county districts.
- (11) In this section " local authority " (except where used in the expression " public or local authority ") means the council of a county, county borough or London borough or the Common Council of the City of London, and " 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.
- (12) This section shall have effect in Scotland as if, for any reference therein to the Minister of Health, there were substituted a reference to the Secretary of State; as if, for the reference in subsection (4)(b) thereof to the National Health Service Act 1946, there were substituted a reference to the National Health Service (Scotland) Act 1947 ; as if in subsection (10) thereof the words " except as respects the councils of county districts " were omitted; and as if, for subsection (11) thereof, there were substituted the following subsection—
- “(11) In this section "local authority" (except where used in the expression " public or local authority ") in relation to a county, including any small burgh situated therein, means the county council, and, in relation to a large burgh, means the town council; " small burgh " and " large burgh " have the same meanings as in the Local Government (Scotland) Act 1947 ; and " 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”.

46 Application to Isles of Scilly

Section 66 of the National Assistance Act 1948 (application to the Isles of Scilly) shall have effect as if the reference to that Act included a reference to this Part of this Act.