



Local Authority Social Services Act 1970

1970 CHAPTER 42

An Act to make further provision with respect to the organisation, management and administration of local authority social services; to amend the Health Visiting and Social Work (Training) Act 1962; and for connected purposes. [29th May 1970]

Modifications etc. (not altering text)

- C1 Act: transfer of functions (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)
- C2 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

Commencement Information

- I1 Act not in force at Royal Assent see [s. 15\(4\)](#); Act wholly in force at 26.5.1971

1 Local authorities.

The local authorities for the purposes of this Act shall be the councils of [^{F1}non-metropolitan counties, metropolitan districts] and London boroughs and the Common Council of the City of London [^{F2}but, in relation to Wales, shall be the councils of counties and county boroughs].

Textual Amendments

- F1 Words substituted by [Local Government Act 1972 \(c. 70\), s. 195\(1\)](#)
- F2 Words in s. 1 added (1.4.1996) by [1994 c. 19, s. 22\(4\), Sch. 10 para. 7](#) (with [ss. 54\(5\)\(7\), 55\(5\)](#)); [S.I. 1996/396, art. 3](#)

Modifications etc. (not altering text)

- C3 S. 1 amended by [Local Government Act 1972 \(c. 70\), s. 195\(3\)](#)

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VALID FROM 26/10/2000

[^{F3}1A Meaning of “social services functions”.

- For the purposes of this Act the social services functions of a local authority are—
- (a) their functions under the enactments specified in the first column of Schedule 1 to this Act (being the functions which are described in general terms in the second column of that Schedule), and
 - (b) such other of their functions as the Secretary of State may designate by an order made under this section.]

Textual Amendments

F3 S. 1A inserted (E.) (26.10.2000) and (W.) (*prosp.*) by 2000 c. 22, ss. **102(3)**, 108(4)-(7); S.I. 2000/2849, art. **2(a)**

2 Local authority to establish social services committee.

- (1) Every local authority shall establish a social services committee and, subject to subsection (3) below, there shall stand referred to that committee all matters relating to the discharge by the authority of—
 - (a) their functions under the enactments specified in the first column of Schedule 1 to this Act (being the functions which are described in general terms in the second column of that Schedule); and
 - (b) such other of their functions as, by virtue of the following subsection, fall within the responsibility of the committee.
- (2) The Secretary of State may by order designate functions of local authorities under any other enactment for the time being in force as being appropriate for discharge through a local authority’s social services committee other than functions which by virtue of that or any other enactment are required to be discharged through some other committee of a local authority; and any functions designated by an order under this section which is for the time being in force shall accordingly fall within the responsibility of the social services committee.
- (3) ^{F4}
- (7) Section 33(2) of the ^{M1} National Assistance Act 1948 and Schedule 3 to that Act (establishment of committees or joint boards for the purposes of the functions of local authorities under Part III of that Act) and section 39 of the ^{M2} Children Act 1948 (establishment of children’s committees of local authorities) shall cease to have effect.

Textual Amendments

F4 S. 2(3)–(6) repealed by National Health Service Reorganisation Act 1973 (c. 32), s. 57, **Sch. 5**

Modifications etc. (not altering text)

C4 S. 2 saved by Local Government Act 1972 (c. 70), s. **101(8)(9)**; amended by Guardianship Act 1973 (c. 29), s. **2(8)**

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- C5** The text of ss. 2(7), 6(8), 14(1)(2), Sch. 2 paras. 1, 6, 8, 10, 12(1)(2), Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** 1948 c. 29.
M2 1948 c. 43.

3 Business of Social Services Committee.

- (1) A local authority may delegate to their social services committee any of their functions matters relating to which stand referred to the committee by virtue of section 2 of this Act (hereafter in this Act referred to as “social services functions”) and, before exercising any of those functions themselves, the authority shall (unless the matter is urgent) consider a report of the committee with respect to the matter in question.
- (2) Nothing in section 2 of this Act prevents a local authority from referring to a committee other than their social services committee a matter which by virtue of that section stands referred to the social services committee and which in the authority’s opinion ought to be referred to the other committee on the ground that it relates to a general service of the authority; but before referring any such matter the authority shall receive and consider a report of the social services committee with respect to the subject matter of the proposed reference.

3A Power of local authority to refer or delegate to social services committee.

A local authority may refer to their social services committee any matter which in their view may appropriately be referred to that committee, but which would not otherwise stand referred to that committee by virtue of this Act, and may delegate to that committee any of their functions relating to a matter so referred.

Modifications etc. (not altering text)

- C6** S. 3A excluded (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 102(1), 108(4)-(7); S.I. 2000/2849, art. 2(a)

4 Joint committees and sub-committees.

- (1) Two or more local authorities may, instead of establishing social services committees for themselves, concur in establishing a joint social services committee; and references in this Act to a local authority’s social services committee shall, in relation to an authority which has so concurred with another or others, be construed as references to the joint committee, except where the context otherwise requires.

[^{F5}(1A) A local authority may establish sub-committees of their social services committee and may delegate to any such sub-committee any of the functions of the committee.]

- (2) A social services committee may, subject to any restrictions imposed by the local authority or, as the case may be, the local authorities concurring in the establishment of the committee, establish sub-committees and delegate to them any of the functions of the committee.

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- (3) The social services committees of two or more local authorities may concur in the establishment of joint sub-committees and may, subject to any restrictions imposed by the local authorities concerned, delegate to them any of the functions of either or any of the committees.

Textual Amendments

F5 S. 4(1A) inserted (*prosp.*) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), ss. 194(1), 195(2), **Sch. 11 para. 17**

Modifications etc. (not altering text)

C7 S. 4 excluded (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. **102(1)**, 108(4)-(7); S.I. 2000/2849, **art. 2(a)**

5 Membership of committees and sub-committees.

- (1) Subject to subsection (3) below, the members of a local authority's social services committee may include persons who are not members of the authority or, as the case may be, of any authority concurring in the establishment of the committee, provided that they are not disqualified from being members of that authority or any such authority.
- (2) Subject to subsection (3) below, a social services committee may, if authorised to do so by the local authority or, as the case may be, the local authorities concurring in the establishment of the committee and subject to any restrictions imposed by that authority or those authorities, co-opt persons to serve as members of the committee, provided that they are not disqualified from being members of that authority or any of the said authorities.
- (3) At least a majority of the members of a local authority's social services committee shall be members of that authority or, as the case may be, of the authorities concurring in the establishment of the committee.
- (4) The members of a sub-committee established under [F6section 4(2)][F6subsection (1A) or subsection (2) of section 4]of this Act—
- shall include at least one member of the local authority or, as the case may be, of each of the local authorities concerned; and
 - may include persons who are not members of the social services committee, provided that they are not disqualified from being members of the local authority or, as the case may be, of any of the said authorities.
- (5) The members of a joint sub-committee established under section 4(3) of this Act—
- shall include at least one member of each of the local authorities concerned; and
 - may include persons who are not members of any social services committee concurring in the establishment of the sub-committee, provided that they are not disqualified from being members of any of the said authorities.
- (6) In this section “disqualified” means disqualified under [F7section 80 of the M3Local Government Act 1972] (which relates to office-holders under local authorities, bankrupts, persons who have been convicted, etc.) [F8or under section 74 of the Transport Act 1985 (disabilities of directors of public transport companies)].

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Textual Amendments

- F6** Words “subsection (1A) or subsection (2) of section 4” substituted (*prosp.*) for words “section 4(2)” by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1\)](#), s. 194(1), 195(2), [Sch. 11 para. 18](#)
- F7** Words substituted by [Local Government Act 1972 \(c. 70\)](#), [Sch. 29 para. 44\(4\)](#)
- F8** Words inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), [Sch. 7 para. 14](#)

Modifications etc. (not altering text)

- C8** [S. 5](#) excluded (E.) (26.10.2000) and (W.) (28.7.2001) by [2000 c. 22](#), [ss. 102\(1\)](#), 108(4)-(7); [S.I. 2000/2849](#), [art. 2\(a\)](#)

Marginal Citations

- M3** [1972 c. 70](#)

6 The director of social services.

- (1) A local authority shall appoint an officer, to be known as the director of social services, for the purposes of their social services functions.
- (2) Two or more local authorities may, if they consider that the same person can efficiently discharge, for both or all of them, the functions of director of social services, concur in the appointment of a person as director of social services for both or all of those authorities.
- (3) ^{F9}
- (5) The director of social services of a local authority shall not, without the approval of the Secretary of State (which may be given either generally or in relation to a particular authority), be employed by that authority in connection with the discharge of any of the authority’s functions other than their social services functions.
- (6) A local authority which have appointed, or concurred in the appointment of, a director of social services, shall secure the provision of adequate staff for assisting him in the exercise of his functions.
- (7) ^{F10}
- (8) Section 41 of the ^{M4} Children Act 1948 (appointment of children’s officer) shall cease to have effect.

Textual Amendments

- F9** [S. 6\(3\)\(4\)](#) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. XVI](#)
- F10** [Ss. 6\(7\), 7\(2\)\(3\), 8, 10](#), [Sch. 2 paras. 2–4, 7, 9](#) repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

Modifications etc. (not altering text)

- C9** [S. 6](#) saved by [Local Government Act 1972 \(c. 70\)](#), [s. 112\(3\)\(4\)](#)
- C10** The text of [ss. 2\(7\), 6\(8\), 14\(1\)\(2\)](#), [Sch. 2 paras. 1, 6, 8, 10, 12\(1\)\(2\)](#), [Sch. 3](#) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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Marginal Citations

M4 1948 c. 43.

^{F11} _{F12}7 **Local authorities to exercise social services functions under guidance of Secretary of State.**

- (1) Local authorities shall, in the exercise of their social services functions, including the exercise of any discretion conferred by any relevant enactment, act under the general guidance of the Secretary of State.
- (2) ^{F13}]]

Textual Amendments

- F11** S. 3 substituted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), **s. 183(1)**
- F12** S. 3A inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), **s. 183(2)**
- F13** Ss. 6(7), 7(2)(3), 8, 10, Sch. 2 paras. 2–4, 7, 9 repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

Modifications etc. (not altering text)

- C11** S. 7 applied (19.12.2001 for E. otherwise 1.3.2007) by [2001 c. 15, ss. 45\(10\)\(a\), 70\(2\)](#) (with ss. 64(9), 65(4)); [S.I. 2001/4149, art. 2](#); [S.I. 2006/1407, art. 2](#), {Sch. 1Pt. 2 para. 8(a)}
- C12** S. 7 applied (1.3.2007) by [National Health Service Act 2006 \(c. 41\)](#), **ss. 77(11)(a)**, 277
S. 7 applied (1.3.2007) by [National Health Service \(Wales\) 2006 \(c. 42\)](#), **ss. 35(11)(a)**, 208 (with s. 19(3))

VALID FROM 19/12/2001

^{F14}7A **Directions by the Secretary of State as to exercise of social services functions.**

- (1) Without prejudice to section 7 of this Act, every local authority shall exercise their social services functions in accordance with such directions as may be given to them under this section by the Secretary of State.
- (2) Directions under this section—
- (a) shall be given in writing; and
 - (b) may be given to a particular authority, or to authorities of a particular class, or to authorities generally.

Textual Amendments

- F14** Ss. 7A–7E inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), **s. 50**

Modifications etc. (not altering text)

- C13** S. 7A applied (19.12.2001 for E. otherwise 1.3.2007) by [2001 c. 15, ss. 45\(10\)\(b\), 70\(2\)](#) (with ss. 64(9), 65(4)); [S.I. 2001/4149, art. 2](#); [S.I. 2006/1407, art. 2](#), **Sch. 1 Pt. 2 para. 8(a)**
- C14** S. 7A applied (1.3.2006) by [National Health Service Act 2006 \(c. 41\)](#), **ss. 77(11)(b)**, 277
S. 7A applied (1.3.2006) by [National Health Service \(Wales\) Act 2006 \(c. 42\)](#), **ss. 35(11)(b)**, 208 (with s. 19(3))

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7B ^{F15}Complaints procedure

- (1) The Secretary of State may by order require local authorities to establish a procedure for considering any representations (including any complaints) which are made to them by a qualifying individual, or anyone acting on his behalf, in relation to the discharge of, or any failure to discharge, any of their social services functions in respect of that individual.
- (2) In relation to a particular local authority, an individual is a qualifying individual for the purposes of subsection (1) above if—
 - (a) the authority have a power or a duty to provide, or to secure the provision of, a service for him; and
 - (b) his need or possible need for such a service has (by whatever means) come to the attention of the authority [^{F16}or if he is in receipt of payment from the authority under the Community Care (Direct Payments) Act 1996].
- (3) A local authority shall comply with any directions given by the Secretary of State as to the procedure to be adopted in considering representations made as mentioned in subsection (1) above and as to the taking of such action as may be necessary in consequence of such representations.
- (4) Local authorities shall give such publicity to any procedure established pursuant to this section as they consider appropriate.

Textual Amendments

- F15** Ss. 7A–7E inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), [s. 50](#)
F16 Words in [s. 7B\(2\)](#) inserted (1.4.1997) by [1996 c. 30, s. 3\(2\)](#); [S.I. 1996/756, art. 2](#)

7C **Inquiries**

- (1) The Secretary of State may cause an inquiry to be held in any case where, whether on representations made to him or otherwise, he considers it advisable to do so in connection with the exercise by any local authority of any of their social services functions (except in so far as those functions relate to persons under the age of eighteen).
- (2) Subsections (2) to (5) of section 250 of the ^{M5}Local Government Act 1972 (powers in relation to local inquiries) shall apply in relation to an inquiry under this section as they apply in relation to an inquiry under that section.

Textual Amendments

- F14** Ss. 7A–7E inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), [s. 50](#)

Marginal Citations

- M5** [1972 c.70 \(81:1\)](#).

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7D ^{F17}**Default powers of Secretary of State as respects social services functions of local authorities.**

- (1) If the Secretary of State is satisfied that any local authority have failed, without reasonable excuse to comply with any of their duties which are social services functions (other than a duty imposed by or under the Children Act ^{M6}1989), he may make an order declaring that authority to be in default with respect to the duty in question.
- (2) An order under subsection (1) may contain such directions for the purpose of ensuring that the duty is complied with within such period as may be specified in the order as appear to the Secretary of State to be necessary.
- (3) Any such direction shall, on the application of the Secretary of State, be enforceable by mandamus.

Textual Amendments
F17 Ss. 7A-7E inserted by [National Health Service and Community Care Act 1990 \(c. 19,SIF 113:2\)](#), s. 50

Marginal Citations
M6 1989 c.41 (20).

7E Grants to local authorities in respect of social services for the mentally ill.

The Secretary of State may, with the approval of the Treasury, make grants out of money provided by Parliament towards any expenses of local authorities incurred in connection with the exercise of their social services functions in relation to persons suffering from mental illness.]

Textual Amendments
F14 Ss. 7A-7E inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 50

^{F18}8

Textual Amendments
F18 Ss. 6(7), 7(2)(3), 8, 10, Sch. 2 paras. 2-4, 7, 9 repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

9 Protection of interests, etc. of local authority staffs.

- (1) The Secretary of State shall by order make provision for the protection of the interests of any existing staff affected by the provisions of section 2 or 6 of this Act, and that order may contain provisions applying, amending or repealing any provision made by or under any enactment and relating to the conditions of service of, or the payment of superannuation or other benefits to or in respect of, existing staff.
- (2) Regulations under section 60(2) of the ^{M7}Local Government Act 1958 (provision to be made by regulations for the payment of compensation in certain cases) may make

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provision in relation to persons who suffer loss of employment or loss or diminution of emoluments which is attributable to the provisions of section 2 or 6 of this Act.

(3) Regulations made by virtue of subsection (2) above may be so framed as to have effect from a date earlier than that on which they are made, so however that so much of any regulations as provides that any provision thereof is to have effect from a date earlier than that on which they are made shall not place any person (other than the person required by the regulations to pay compensation) in a worse position than he would have been in if the regulations had been so framed as to have effect only as from the date on which they are made.

(4) In this section “existing staff” means—

(a) persons who both immediately before and immediately after the coming into force in the area of a local authority of section 2 or 6 of this Act are employed by the authority in connection with the discharge by the authority of any function which immediately after the coming into force in that area of the said section 2 or 6, as the case may be, is a social services function of the authority; and

(b) persons who both immediately before and immediately after the coming into force in the area of a local authority of—

(i) an order under section 2(2) of this Act, or

(ii) a direction under section 2(4) thereof, not being a direction which comes into force in that area on the same date as that on which that section comes into force therein,

are employed by the authority in connection with the discharge by the authority of any function to which the order or direction, as the case may be, relates.

Marginal Citations

M7 1958 c. 55.

F19¹⁰

Textual Amendments

F19 Ss. 6(7), 7(2)(3), 8, 10, Sch. 2 paras. 2–4, 7, 9 repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

F20¹¹

Textual Amendments

F20 S. 11 repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 30, **Sch. 10 Pt. I**

12 **Isles of Scilly.**

(1) The Secretary of State may by order direct that this Act shall have effect as if the Council of the Isles of Scilly were a local authority for the purposes of this Act.

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- (2) In its application to the Isles of Scilly by virtue of an order made under this section, this Act shall have effect with such modifications as may be specified in the order.

13 Orders and regulations.

- (1) Orders . . . ^{F21}of the Secretary of State under this Act shall be made by statutory instrument.
- (2) Any order made under any provision of this Act, except an order under section 14(3), may be varied or revoked by a subsequent order so made.
- (3) In the case of a statutory instrument containing an order under section 2(2) or 14(3) of this Act . . . ^{F21}, a draft of the instrument shall be laid before Parliament, and an instrument containing an order under the said section 2(2) shall not be made unless the draft has been approved by a resolution of each House of Parliament.
- (4) A statutory instrument containing an order under section 9(1) or 12 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Any order . . . ^{F21}under this Act may be made so as to apply to England only or to Wales only.

For the purposes of this subsection, Monmouthshire shall be deemed to be part of Wales and not of England.

Textual Amendments

F21 Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\), s. 194, Sch. 34 Pt. XVI](#)

14 Minor and consequential amendments, repeals and saving for certain schemes.

- ^{XI}(1) The enactments specified in Schedule to this Act shall have effect subject to the amendments specified in relation thereto in that Schedule, being minor amendments and amendments consequential on the provisions of this Act.
- ^{XI}(2) The enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.
- (3) The Secretary of State may by order repeal or amend any provision in any local Act, including an Act confirming a provisional order, or in an instrument in the nature of a local enactment under any Act, where it appears to him that that provision is inconsistent with, or has become unnecessary or requires modification in consequence of, any provision of this Act or corresponds to any provision repealed by this Act.
- (4) Nothing in paragraph 7 of Schedule 2 to this Act or in any provision of Schedule 3 thereto shall affect any delegation scheme made under section 46 of the ^{M8}Local Government Act 1958 and in force immediately before the coming into force of section 10 of this Act until the date on which a scheme made in pursuance of subsection (2) of the said section 10 and varying that delegation scheme comes into operation, and until that date the delegation scheme shall have effect, and the functions to which it relates shall be exercisable in accordance with it, as if this Act had not passed.

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Editorial Information

- X1** The text of ss. 2(7), 6(8), 14(1)(2), Sch. 2 paras. 1, 6, 8, 10, 12(1)(2), Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M8** 1958 c. 55.

15 Citation, interpretation, commencement and extent.

- (1) This Act may be cited as the Local Authority Social Services Act 1970.
- (2) In this Act “functions” includes powers and duties and “social services functions” has the meaning given by section 3 . . . ^{F22} of this Act.
- (3) Any reference in this Act to an enactment shall be construed as including a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.
- (4) This Act shall come into force on a day appointed by the Secretary of State by order; and different days may be so appointed for different provisions of this Act.
- (5) If it appears to the Secretary of State desirable in the interest of the efficient discharge of the functions of a particular local authority to postpone the coming into force of any provision of this Act in the area of that authority, the Secretary of State may by an order under subsection (4) above relating to that provision either appoint a different day later in date for the coming into force of that provision in the area of that authority or except that area from the operation of the order and make a subsequent order under that subsection appointing a day for the coming into force of that provision in that area.
- (6) This Act, . . . ^{F23}, shall not extend to Scotland.
- (7) This Act, except . . . ^{F23} this subsection, shall not extend to Northern Ireland; . . . ^{F24}

Textual Amendments

- F22** Word “(3)” repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. XVI](#)
- F23** Words repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 30, [Sch. 10 Pt. I](#)
- F24** Words repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 6 Pt. I](#)

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SCHEDULES

SCHEDULE 1

Section 2.

ENACTMENTS CONFERRING FUNCTIONS ASSIGNED TO SOCIAL SERVICES COMMITTEE

Enactment	Nature of functions
Children and Young Persons Act 1933 (c. 12) Part III	Protection of the young in relation to criminal and summary proceedings; children appearing before court as in need of care, protection or control; committal of children to approved school or care of fit person, etc.
Part IV	Remand homes, approved schools and children in care of fit persons.
... F25	
... F25	... F25
National Assistance Act 1948 (c. 29) Sections 21 to 27	Provision of residential accommodation for the aged, infirm, needy, etc.
Sections 29 and 30	Welfare of persons who are blind, deaf, dumb or otherwise handicapped or are suffering from mental disorder; use of voluntary organisations for administration of welfare schemes.
... F26	... F26
Sections 43 to 45	Recovery of costs of providing certain services.
Section 48	Temporary protection of property belonging to persons in hospital or accommodation provided under Part III of the Act, etc.
Section 49	Defraying expenses of local authority officer applying for appointment as receiver for certain patients.
... F27	... F27

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Section 56(3) except so far as it relates to an offence under section 47(11). Prosecution of offences.

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F28

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F28

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F29

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Disabled Persons (Employment) Act 1958 (c. 33)

Section 3

Provision of facilities for enabling disabled persons to be employed or work under special conditions.

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F31

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F31

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F32

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F32

Mental Health Act 1959 (c. 72)

[^{F33}section 8][^{F34}and the [^{F35}Registered Homes Act 1984]so far as its provisions relate to mental nursing homes.]

[^{F36}Welfare and accommodation of mentally disordered persons]

...
F37

...
F38

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F38

[^{F39}Mental Health (Scotland) Act 1984]

Section 10

Welfare of certain persons while in hospital in Scotland.

Health Visiting and Social Work (Training) Act 1962 (c. 33)

Section 5(1)(b), and as extended by section 45(9) of the Health Services and Public Health Act 1968 (c. 46).

Research into matters relating to local authority welfare services.

Children and Young Persons Act 1963 (c. 37)

Part I

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F40

powers relating to young persons in need of care, protection or control; further provisions for protection of the young in relation to criminal proceedings; . . .

F40

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F41	F41
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F42	F42
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F43	F43
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F43	F43
Health Services and Public Health Act 1968 (c. 46)	
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F44	F44
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F44	F44
Section 45	Promotion of welfare of old people.
Social Work (Scotland) Act 1968 (c. 49)	
Sections 75(2) and 76(4)	Reference for consideration, etc. of case of child in care whose parent moves to Scotland and transfer of child.
Family Law Reform Act 1969 (c. 46)	
Section 7(4)	Supervision of ward of court.
Children and Young Persons Act 1969 (c. 54)	
The whole Act except [^{F45} section 9]in so far as they assign functions to a local authority in their capacity of a local education authority.	Care and other treatment of children and young persons through court proceedings; . . .
	F46
	F47
	. . .
Chronically Sick and Disabled Persons Act 1970 (c. 44)	
Section 1	Obtaining information as to need for, and publishing information as to existence of, certain welfare services.
Section 2	Provision of certain welfare services.
Section 18	Provision of certain information required by Secretary of State.
[^{F48} Sections 6 and 7B of this Act]	[^{F48} Appointment of director of social services, etc; provision and conduct of complaints procedure.]

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[^{F49} . . .]	[^{F49} . . .]
[^{F50} Children Act 1975 (c.72)]	
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^{F51}	^{F51}
[^{F50} Part II]	[^{F50} Application by local authority for revocation of custodianship order; inquiries carried out by local authority in custodianship cases.]
[^{F52} Adoption Act 1976 (c.36)]	[^{F52} Maintenance of Adoption Service; functions of local authority as adoption agency; applications for orders freeing children for adoption; inquiries carried out by local authorities in adoption cases; care, possession and supervision of children awaiting adoption.]
[^{F53} Supplementary Benefits Act 1976, Schedul e 5]	[^{F53} Provision and maintenance of [^{F54} resettlement units]for persons without a settled way of living.]
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^{F55}	^{F55}
[^{F56} National Health Service Act 1977, Schedul e 8]	[^{F56} Care of mothers and young children, prevention, care and after-care: home help and laundry facilities.]
[^{F57} . . .]	[^{F57} . . .]
[^{F58} . . .]	[^{F58} . . .]
[^{F59} . . .]	[^{F59} . . .]
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^{F60}	^{F60}
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^{F61}	^{F61}
[^{F62} Mental Health Act 1983 (c. 20)]	
[^{F62} Parts II, III and VI]	[^{F62} Welfare of the mentally disordered; guardianship of persons suffering from mental disorder including such persons removed to England and Wales from Scotland or Northern Ireland; exercise of functions of nearest relative of person so suffering.]
[^{F62} Sections 66, 67, 69(1)]	[^{F62} Exercise of functions of nearest relative in relation to applications and references to Mental Health Review Tribunals.]
[^{F62} Section 114]	[^{F62} Appointment of approved social workers.]

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[^{F62} Section 115]	[^{F62} Entry and inspection.]
[^{F62} Section 116]	[^{F62} Welfare of certain hospital patients.]
[^{F62} Section 117]	[^{F62} After-care of detained patients.]
[^{F62} Section 130]	[^{F62} Prosecutions.]
[^{F63} Public Health (Control of Disease) Act 1984 (c. 22)]	
[^{F63} Section 46(2) and (5)]	[^{F63} Burial or cremation of person dying in accommodation provided under Part III of the National Assistance Act 1948, and recovery of expenses from his estate.]
[^{F64} Registered Homes Act 1984 (c. 23) Part I.]	[^{F64} Registration of Residential Care Homes.]
[^{F65} Housing Act 1996 Section 213(1)(b)]	Co-operation in relation to homeless persons and persons threatened with homelessness.]
[^{F66} Housing (Scotland) Act 1987 (c. 26) section 38(b)]	[^{F66} Co-operation in relation to homeless persons and persons threatened with homelessness.]
[^{F67} Children Act 1989, The whole Act, in so far as it confers functions on a local authority within the meaning of that Act.]	[^{F67} Welfare reports.]
	[^{F67} Consent to application for residence order in respect of child in care.]
	[^{F67} Family assistance orders.]
	[^{F67} Functions under Part III of the Act (local authority support for children and families).]
	[^{F67} Care and supervision.]
	[^{F67} Protection of children.]
	[^{F67} Functions in relation to community homes, voluntary homes and voluntary organisations, registered children's homes, private arrangements for fostering children, child minding and day care for young children.]
	[^{F67} Inspection of children's homes on behalf of Secretary of State.]
	[^{F67} Research and returns of information.]
	[^{F67} Functions in relation to children accommodated by health authorities
	[^{F68} National Health Service trusts]and local education authorities or in residential care, nursing or mental nursing homes or in independent schools.]

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[^{F69}National Health Service and Community Care Act 1990 (c. 19)]

[^{F69}Section 46] [^{F69}Preparation of plans for community care services.]

[^{F69}Section 47] [^{F69}Assessment of needs for community care services.]

^{F70}

^{F70}

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^{F71}

Section 166.]

[^{F72}Carers (Recognition and Services) Act 1995 (c.12)]

[^{F72}Section 1] Assessment of ability of carers to provide care.]

[^{F73}Education Act 1996.]

[^{F73}Section 322.....] Help for local education authority in exercising functions under Part IV of the Act.]

[^{F74}Community Care (Direct Payments) Act 1996.] Functions in connection with the making of payments to persons in respect of their securing the provision of community care services.]

Textual Amendments

- F25** Entry relating to National Health Service Act 1977 substituted in the appropriate chronological order for entry relating to National Health Service Act 1946 by [National Health Service Act 1977 \(c. 49, SIF 113:2\)](#), [Sch. 15 para. 51](#)
- F26** [Sch. 1](#): entry repealed (1.9.1992) by [Charities Act 1992 \(c. 41\)](#), s. 78(2), [Sch. 7](#); S.I. 1992/1900, art. 2, [Sch. 1](#), Appendix.
- F27** Words repealed by [Public Health \(Control of Disease\) Act 1984 \(c. 22, SIF 100:1\)](#), s. 78, [Sch. 3](#)
- F28** Entry repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), s. 1(1), [Sch. 1 Pt. XII](#)
- F29** Entry repealed by [Child Care Act 1980 \(c. 5\)](#), s. 89, [Sch. 6](#)
- F30** [Sch. 1](#): entry repealed (5.11.1993) by 1993 c. 50, s. 1(1), [Sch. 1 Pt. VIII](#)
- F31** Entry repealed by [Foster Children Act 1980 \(c. 6\)](#), s. 23(3), [Sch. 3](#)
- F32** Entry repealed by [Adoption Act 1976 \(c. 36, SIF 49:11\)](#), s. 74(2), [Schs. 2, 4](#)
- F33** Words in [Schedule 1](#) in entry relating to the [Mental Health Act 1959](#) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(5), [Sch. 13 para. 26\(1\)\(a\)](#); S.I. 1991/828, art. 3(2)
- F34** Words substituted by [Nursing Homes Act 1975 \(c. 37, SIF 113:3\)](#), s. 22(1), [Sch. 1 para. 8](#)
- F35** Words substituted by [Registered Homes Act 1984 \(c. 23, SIF 113:3\)](#), [Sch. 1 para. 4\(a\)](#)
- F36** Entry substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 27\(a\)](#)
- F37** Words repealed by [Education \(Handicapped Children\) Act 1970 \(c. 52\)](#), [Sch.](#) and [National Health Service Reorganisation Act 1973 \(c. 32\)](#), s. 57, [Sch. 5](#)
- F38** Entry repealed by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22, SIF 49:3\)](#), [Sch. 2 para. 27](#), [Sch. 3](#) (subject to savings in [Sch. 1](#))
- F39** Words substituted by [Mental Health \(Scotland\) Act 1984 \(c. 36, SIF 85\)](#), s. 127, [Sch. 3 para. 18](#)
- F40** Words repealed by [Child Care Act 1980 \(c. 5\)](#), s. 89, [Sch. 6](#)

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- F41** Entry repealed by Child Care Act 1980 (c. 5), s. 89, **Sch. 6**
- F42** Words repealed by Matrimonial Causes Act 1973 (c. 18), Sch. 2 para. 11, **Sch. 3**
- F43** Entry repealed by Supplementary Benefits Act 1976 (c. 71, SIF 113:1), s. 35(2)(3), Sch. 7 para. 18, **Sch. 8 Pt. 1**
- F44** Words repealed by National Health Service Act 1977 (c. 49, SIF 113:2), s. 129, **Sch. 16**
- F45** Words in Schedule 1 in entry relating to the Children and Young Persons Act 1969 substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5), **Sch. 13 para. 26(1)(b)**; S.I. 1991/828, **art. 3(2)**
- F46** Words repealed by Child Care Act 1980 (c. 5), s. 89, **Sch. 6**
- F47** Words in Sch. 1 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15**; S.I. 1991/828, **art. 3(2)**
- F48** Entry in Sch. 1 commencing “Sections 6 and 7B” substituted (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 11(b)**
- F49** Entry in Sch. 1 which was added by Matrimonial Causes Act 1973 (c. 18, Sch. 2 para. 11 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15**; S.I. 1991/828, **art. 3(2)**
- F50** Entries added by Children Act 1975 (c. 72, SIF 49:9, 10), s. 108(1)(a), Sch. 3 para. 74(b)
- F51** Paragraph relating to Pt. I of Children Act 1975 (c. 72, SIF 49: 9, 10) repealed by Adoption Act 1976 (c. 36, SIF 49:11), s. 74(2) **Schs. 2, 4**
- F52** Paragraph added by Adoption Act 1976 (c. 36, SIF 49:11), **Sch. 3 para. 15**
- F53** Entry added by Supplementary Benefits Act 1976 (c. 71, SIF 113:1), **Sch. 7 para. 18**
- F54** Words substituted by Social Security Act 1980 (c. 39, SIF 113:1), **Sch. 4 para. 6**
- F55** Entry added by Housing (Homeless Persons) Act 1977 (c. 48), s. 20(2) and repealed by Housing (Consequential Provisions) Act 1985 (c. 71, SIF 61), s. 3, Sch. 1 Pt. I
- F56** Entry added by virtue of a substitution by National Health Service Act 1977 (c. 49, SIF 113:2), **Sch. 15 para. 51**
- F57** Entry in Sch. 1 added by Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22, SIF 49: 3), **Sch. 2 para. 27** (subject to savings in Sch. 1) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15**; S.I. 1991/828, **art. 3(2)**
- F58** Entry in Sch. 1 added by Child Care Act 1980 (c. 5, SIF 20), **Sch. 5 para. 29** repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15**; S.I. 1991/828, **art. 3(2)**
- F59** Entry in Sch. 1 added by Foster Children Act 1980 (c. 6, SIF 20), **Sch. 2** repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15**; S.I. 1991/828, **art. 3(2)**
- F60** Entry added by Residential Homes Act 1980 (c. 7), **Sch. 1 para. 4**, and fell by virtue of the repeal of that 1980 Act by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 30(1), **Sch. 10 Pt. I**
- F61** Entry added by Mental Health Amendment Act 1982 (c. 51, SIF 20), **Sch. 3 para. 45** and repealed by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 4 para. 27(c)**, Sch. 6
- F62** Entry inserted by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 4 para. 27(b)**
- F63** Words inserted by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 2 para. 6**
- F64** Words inserted by virtue of Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 29, **Sch. 9 para. 9** and Registered Homes Act 1984 (c. 23, SIF 113:3), s. 57, **Sch. 1 para. 4(b)**
- F65** Sch. 1: entry substituted (20.1.1997) by 1996 c. 52, s. 216(3), **Sch. 17 para. 1**; S.I. 1996/2959, **art. 2**
- F66** Words inserted by Housing (Scotland) Act 1987 (c. 26, SIF 61), ss. 339(2), **Sch. 23 para. 16**
- F67** Words in Sch. 1 added (14.10.1991) at the end of Sch. 1 by Children Act 1989 (c. 41, SIF 20), s. 108(5), **Sch. 13 para. 26(2)**; S.I. 1991/828, **art. 3(2)**
- F68** Words inserted (1.4.1993) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 11(a)**; S.I. 1992/2975, art. 2(2), **Sch.**
- F69** Words inserted (1.4.1993 except so far as they relate to s. 46 of the 1990 Act which came into force on 1.4.1991 by S.I. 1990/2218, art. 2, **Sch.**) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 11(c)**; S.I. 1992/2975, art. 2(2), **Sch.**
- F70** Sch. 1: entry repealed (1.11.1996) by 1996 c. 56, ss. 582(1)(2), 583(2), Sch. 37 Pt. I, para. 18, **Sch. 38 Pt. I** (with s. 1(4), Sch. 39)

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- F71** Sch. 1: entry added (1.9.1994) by 1993 c. 35, s. 307(1), **Sch. 19 para. 44**; S.I. 1994/2038, art. 3, **Sch. 2**
- F72** Sch. 1: entries inserted (1.4.1996) by 1995 c. 12, **ss. 1(7), 5(2)**
- F73** Sch. 1: entries added (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I**, para. 18 (with s. 1(4), Sch. 39)
- F74** Sch. 1: entry added (1.4.1997) by 1996 c. 30, **s. 3(3)**; S.I. 1997/756, **art. 2**

SCHEDULE 2

Section 14.

MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

The Children and Young Persons Act 1933 (c. 12)

- 1 In section 96(7) of the Children and Young Persons Act 1933 (which provides that subject to the provisions of section 39 of the ^{M9}Children Act 1948 a local authority may refer certain matters to committees) for the words from “section thirty-nine” to “that committee” there shall be substituted the words “sections 2 and 3 of the Local Authority Social Services Act 1970 (which require certain matters to be referred to the social services committee and restrict the reference of other matters to that committee).”

Modifications etc. (not altering text)

- C15** The text of ss. 2(7), 6(8), 14(1)(2), Sch. 2 paras. 1, 6, 8, 10, 12(1)(2), Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M9** 1948 c. 43.

2—4 **F75**

Textual Amendments

- F75** Ss. 6(7), 7(2)(3), 8, 10, Sch. 2 paras. 2–4, 7, 9 repealed by Local Government Act 1972 (c. 70), **Sch. 30**

5 **F76**

Textual Amendments

- F76** Sch. 2 paras. 5, 11 repealed by Child Care Act 1980 (c. 5), s. 89, **Sch. 6**

F77 6

Textual Amendments

- F77** Sch. 2 para. 6 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. VIII**

7 **F78**

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Textual Amendments
F78 Ss. 6(7), 7(2)(3), 8, 10, Sch. 2 paras. 2–4, 7, 9 repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

8 In section 60(2) of the said Act of 1958 (provision to be made by regulations for the payment of compensation in certain cases) after the words “section 46 of the ^{M10}Children and Young Persons Act 1969” there shall be inserted the words “or of section 2 or 6 of the Local Authority Social Services Act 1970”.

Modifications etc. (not altering text)
C16 The text of ss. 2(7), 6(8), 14(1)(2), Sch. 2 paras. 1, 6, 8, 10, 12(1)(2), Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations
M10 1969 c. 54.

9 **F79**

Textual Amendments
F79 Ss. 6(7), 7(2)(3), 8, 10, Sch. 2 paras. 2–4, 7, 9 repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

The Children and Young Persons Act 1963 (c. 37)

10 In section 56(2) of the Children and Young Persons Act 1963 (prosecution of certain Offences) for the words “subsection (2) of section 39 of the Children Act 1948” there shall be substituted the words “subsection (1) of section 3 of the Local Authority Social Services Act 1970” and for the words “those sections” there shall be substituted the words “the said section 85 and section 2 of the said Act of 1970”.

Modifications etc. (not altering text)
C17 The text of ss. 2(7), 6(8), 14(1)(2), Sch. 2 paras. 1, 6, 8, 10, 12(1)(2), Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

11 **F80**

Textual Amendments
F80 Sch. 2 paras. 5, 11 repealed by [Child Care Act 1980 \(c. 5\)](#), s. 89, **Sch. 6**

The Chronically Sick and Disabled Persons Act 1970 (c. 44)

12 (1) In section 2(1) of the Chronically Sick and Disabled Persons Act 1970 (which imposes a duty on local authorities to make arrangements for certain matters in exercise of their functions under section 29 of the National Assistance Act 1948) the

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words “under the general guidance of the Secretary of State and” shall be omitted, and after the words “the purpose)” there shall be inserted the words “and to the provisions of section 7(1) of the Local Authority Social Services Act 1970 (which requires local authorities in the exercise of certain functions, including functions under the said section 29, to act under the general guidance of the Secretary of State)”.

- (2) In section 2(2) of the said Act of 1970 (which makes provision in connection with the carrying into effect of the said arrangements) after the words “section 35(2)” there shall be inserted the words “and to the said section 7(1)”.

Modifications etc. (not altering text)

- C18** The text of ss. 2(7), 6(8), 14(1)(2), Sch. 2 paras. 1, 6, 8, 10, 12(1)(2), Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

SCHEDULE 3

Section 14.

REPEALS

Modifications etc. (not altering text)

- C19** The text of ss. 2(7), 6(8), 14(1)(2), Sch. 2 paras. 1, 6, 8, 10, 12(1)(2), Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

REPEALS

Chapter	Short title	Extent of repeal
11 & 12 Geo. 6. c. 29.	The National Assistance Act 1948.	Section 33(2). In section 35(2), the words “under the general guidance of the Minister and”. Schedule 3.
11 & 12 Geo. 6. c. 43.	The Children Act 1948.	Sections 39 to 42. In Schedule 3, the entry relating to section 96(7) of the Children and Young Persons Act 1933.
6 & 7 Eliz. 2. c. 33.	The Disabled Persons (Employment) Act 1958.	In section 3(3), the words from “and subject” onwards. In the Schedule, paragraph 2 and in paragraph 3(3) the words from “and in particular” to “three”.

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Chapter	Short title	Extent of repeal
6 & 7 Eliz. 2. c. 55.	The Local Government Act 1958.	In section 46, in subsection (1), paragraphs (b), (c) and (e) and the words from “and, subject” onwards, subsections (2) and (3) and in subsection (4), the words from “or Part I” to “1948”. Section 47, except subsections (1), (2), (6) and (7) as applied by section 48(1) of that Act, and subsections (5) and (8) as applied by section 52(2) thereof, and in subsection (2) the words from “(except” to “section)”. In section 48, in subsection (1), the words from “subject” onwards. In section 50, in subsection (1), the words from “or the amendment” to “1948” and the words from “or for the amendment” onwards and, in subsection (2), the words “or varying or revoking schemes”, the words “or a scheme”, the words “or fails” and the words “or scheme”. Section 51.
7 & 8 Eliz. 2. c. 5.	The Adoption Act 1958.	In Schedule 4, the entry relating to section 39 of the Children Act 1948.
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	In Schedule 7, Part II, the entry relating to the Children Act 1948.
8 & 9 Eliz. 2. c. 48.	The Matrimonial Proceedings (Magistrates’ Courts) Act 1960.	Section 3(7).
8 & 9 Eliz. 2. c. 61.	The Mental Health (Scotland) Act 1960.	In Schedule 4, the entry relating to section 39 of the Children Act 1948.
1963 c. 33.	The London Government Act 1963.	In section 3(2)(d), the words “47(3) and”. In section 47(2), the words from “and, without” onwards.
1963 c. 37.	The Children and Young Persons Act 1963.	In Schedule 3, paragraph 41.
1965 c. 72.	The Matrimonial Causes Act 1965.	Section 37(3).

Chapter	Short title	Extent of repeal
1968 c. 46.	The Health Services and Public Health Act 1968.	In section 45, in subsection (5)(b), the words from “and Parts I” to “1(1)” and subsections (6), (7) and (8). Section 68. In Schedule 3, Part I, in the entry relating to the Disabled Persons (Employment) Act 1958, the second paragraph and in the entry relating to the Local Government Act 1958, paragraph (a), in paragraph (b) the words from “(e)” to “1968”, where next occurring, and paragraph (c).
1969 c. 46.	The Family Law Reform Act 1969.	In section 7(4), the words “and (3)”.
1969 c. 54.	The Children and Young Persons Act 1969.	In Schedule 5, paragraph 18.

Status:

Point in time view as at 01/04/1997. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation:

Local Authority Social Services Act 1970 is up to date with all changes known to be in force on or before 08 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.