



Chronically Sick and Disabled Persons Act 1970

1970 CHAPTER 44

An Act to make further provision with respect to the welfare of chronically sick and disabled persons; and for connected purposes. [9th May 1970]

Annotations:

Modifications etc. (not altering text)

- C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
C2 Act (except ss. 9, 13(2), 28): transfer of functions (1.7.1999) by S.I. 1999/ 672, art. 2, Sch. 1

Commencement Information

- II Act not in force at Royal Assent see [s. 29\(4\)](#); Act wholly in force 1.10.1972.

Welfare and housing

1 Information as to need for and existence of welfare services.

- (1) It shall be the duty of every local authority having functions under section 29 of the ^{M1}National Assistance Act 1948 to inform themselves of the number of persons to whom that section applies within their area and of the need for the making by the authority of arrangements under that section for such persons.
- (2) Every such local authority—
- shall cause to be published from time to time at such times and in such manner as they consider appropriate general information as to the services provided under arrangements made by the authority under the said section 29 which are for the time being available in their area; and
 - shall ensure that any such person as aforesaid who uses any of those services is informed of [^{F1}any other service provided by the authority (whether under any such arrangements or not)] which in the opinion of the authority is relevant to his needs [^{F2}and of any service provided by any other authority or organisation

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which in the opinion of the authority is so relevant and of which particulars are in the authority's possession.]

- (3) This section shall come into operation on such date as the Secretary of State may by order made by statutory instrument appoint.

Annotations:

Subordinate Legislation Made

- P1** S. 1(3) power exercised: 1.10.1971 appointed for England and Wales by [S.I. 1971/698](#) and 1.10.1972 appointed for Scotland by [S.I. 1972/1420](#)

Amendments (Textual)

- F1** Words substituted by [Disabled Persons \(Services, Consultation and Representation\) Act 1986 \(c. 33, SIF 113:1\)](#), s. 9(a)
- F2** Words inserted by [Disabled Persons \(Services, Consultation and Representation\) Act 1986 \(c. 33, SIF 113:1\)](#), s. 9(b)

Modifications etc. (not altering text)

- C3** S. 1 extended by [Local Authority Social Services Act 1970 \(c. 42\)](#), s. 2(1), [Sch. 1](#).

Marginal Citations

- M1** [1948 c. 29](#).

2 Provision of welfare services.

- (1) Where a local authority having functions under section 29 of the ^{M2}National Assistance Act 1948 are satisfied in the case of any person to whom that section applies who is ordinarily resident in their area that it is necessary in order to meet the needs of that person for that authority to make arrangements for all or any of the following matters, namely—
- (a) the provision of practical assistance for that person in his home;
 - (b) the provision for that person of, or assistance to that person in obtaining, wireless, television, library or similar recreational facilities;
 - (c) the provision for that person of lectures, games, outings or other recreational facilities outside his home or assistance to that person in taking advantage of educational facilities available to him;
 - (d) the provision for that person of facilities for, or assistance in, travelling to and from his home for the purpose of participating in any services provided under arrangements made by the authority under the said section 29 or, with the approval of the authority, in any services provided otherwise than as aforesaid which are similar to services which could be provided under such arrangements;
 - (e) the provision of assistance for that person in arranging for the carrying out of any works of adaptation in his home or the provision of any additional facilities designed to secure his greater safety, comfort or convenience;
 - (f) facilitating the taking of holidays by that person, whether at holiday homes or otherwise and whether provided under arrangements made by the authority or otherwise;
 - (g) the provision of meals for that person whether in his home or elsewhere;

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(h) the provision for that person of, or assistance to that person in obtaining, a telephone and any special equipment necessary to enable him to use a telephone,

then, . . . ^{F3} subject [^{F4}to the provisions of section 35(2) of that Act (which requires local authorities to exercise their functions under Part III of that Act . . . ^{F5} in accordance with the provisions of any regulations made for the purpose) and][^{F6}to the provisions of section 7(1) of the ^{M3}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) [^{F7}and to the provisions of section 7A of that Act (which requires local authorities to exercise their social services functions in accordance with directions given by the Secretary of State)]] it shall be the duty of that authority to make those arrangements in exercise of their functions under the said section 29.

(2) ^{F8}

Annotations:

Amendments (Textual)

- F3** Words repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**
- F4** Words repealed (1.4.1991 (E.W.) and *prosp.* (S.): see S.I. 1990/2218, art. 2, Sch.) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), ss. 66(1)(2), 67(2), Sch. 9 para. 12, **Sch. 10**
- F5** Words repealed by [Local Authority Social Services Act 1970 \(c. 42\)](#), **Sch. 2 para. 12(1)**
- F6** Words inserted by [Local Authority Social Services Act 1970 \(c. 42\)](#), **Sch. 2 para. 12(1)**
- F7** Words inserted (1.4.1991 (E.W.) and *prosp.* (S.): see S.I. 1990/2218, art. 2, Sch.) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), ss. 66(1), 67(2), **Sch. 9 para. 12**
- F8** [S. 2\(2\)](#) repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

Modifications etc. (not altering text)

- C4** [S. 2](#) extended by [Local Authority Social Services Act 1970 \(c. 42\)](#), s. 2(1), **Sch. 1**

Marginal Citations

- M2** [1948 c. 29](#).
- M3** [1970 c. 42](#).

^{F9}3 Duties of housing authorities.

^{F10}(1) A local housing authority in discharging their duty under section 8 of the Housing Act 1985 to consider housing conditions in their district and the needs of their district and respect to the provision of further housing accommodation shall have regard to the special needs of chronically sick or disabled persons.

(2) A local authority for the purposes of Part VII of the Housing (Scotland) Act 1966 in discharging their duty under section 137 of that Act to consider housing conditions in their district and the needs of their district with respect to the provision of further housing accommodation shall have regard to the special needs of chronically sick or disabled persons; and any proposals prepared and submitted to the Secretary of State by the authority under that section for the provision of new houses shall distinguish any houses which the authority propose to provide which make special provision for the needs of such persons.]]

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Annotations:

Amendments (Textual)

- F9** S. 3 substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#) s. 4, Sch. 2 para. 20
F10 S. 3(1)(2) repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), s. 339(3), [Sch. 24](#)

Modifications etc. (not altering text)

- C5** S. 3(1): power to apply certain functions conferred (E.W.) by [Housing Act 1988 \(c. 50, SIF 61\)](#), s. [65\(2\)\(a\)\(4\)](#)

Premises open to public

4 Access to, and facilities at, premises open to the public.

- (1) Any person undertaking the provision of any building or premises to which the public are to be admitted, whether on payment or otherwise, shall, in the means of access both to and within the building or premises, and in the parking facilities and sanitary conveniences to be available (if any), make [^{F11}provision, in so far as it is in the circumstances both practicable and reasonable][^{F11}appropriate provision], for the needs of members of the public visiting the building or premises who are disabled [^{F12}unless such body as may be prescribed by the Secretary of State is satisfied, after carrying out any procedures which may be so prescribed, that in the circumstances it is either not practicable to make such provision or not reasonable that such provision should be made; and different bodies and different procedures may be prescribed for different classes of buildings or other premises to which this subsection applies][^{F13}unless such body as may be prescribed by the Secretary of State is satisfied, after carrying out any procedures which may be so prescribed, that in the circumstances it is either not practicable to make such provision or not reasonable that such provision should be made.]

[^{F14}(1A) In subsection (1) above “appropriate provision”, in relation to any case, means provision conforming with so much of the Code of Practice for Access for the Disabled to Buildings as is relevant to that case and “prescribed” means prescribed by regulations made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and in the foregoing provisions of this subsection “the Code of Practice for Access for the Disabled to Buildings” means the British Standards Institution code of practice referred to as BS 5810: 1979.]

- (2) This section shall not apply to any building or premises intended for purposes mentioned in subsection (2) of section 8 [^{F15}or in subsection (2) of section 8A] of this Act.

Annotations:

Amendments (Textual)

- F11** Words “appropriate provision” substituted (*prosp.*) (E.W.S.) for words commencing “provision, in so far as” by (S.) [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#), [ss. 37\(1\)\(a\)](#), 43(4) and (E.W.) [Disabled Persons Act 1981 \(c. 43, SIF 81:3\)](#), s. [6\(1\)\(6\)](#)
F12 Words added (*prosp.*) (E.W.) by [Disabled Persons Act 1981 \(c. 43, SIF 81:3\)](#), s. [6\(1\)\(b\)](#)

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- F13** Words added (*prosp.*) (S.) by Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23, SIF 81:2), **ss. 37(1)(b)**, 43(4)
- F14** S. 4(1A) inserted (*prosp.*) (E.W.S.) by (S.) Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23, SIF 81:2), **s. 37(2)** and (E.W.) Disabled Persons Act 1981 (c. 43, SIF 81:3), **s. 6(2)(6)** (the commas after “appropriate provision” and “any case” being omitted as regards (S.))
- F15** Words inserted by Chronically Sick and Disabled Persons (Amendment) Act 1976 (c. 49, SIF 81:3), **s. 1**

5 Provision of public sanitary conveniences.

- (1) Where any local authority undertake the provision of a public sanitary convenience, it shall be the duty of the authority, in doing so, to make [^{F16}provision, in so far as it is in the circumstances both practicable and reasonable][^{F16}appropriate provision], for the needs of disabled persons [^{F17}unless such body as may be prescribed by the Secretary of State is satisfied, after carrying out any procedures which may be so prescribed, that in the circumstances it is either not practicable to make such provision or not reasonable that such provision should be made; and different bodies and different procedures may be prescribed for different classes of buildings or other premises to which this subsection applies][^{F18}unless such body as may be prescribed by the Secretary of State is satisfied, after carrying out any procedures which may be so prescribed, that in the circumstances it is either not practicable to make such provision or not reasonable that such provision should be made.]

[^{F19}(1A) Subsection (1A) of section 4 of this Act shall apply in relation to the interpretation of the last foregoing subsection of this section as the said subsection (1A) applies in relation to the interpretation of subsection (1) of that section.]

- (2) Any local authority which in any public sanitary convenience provided by them make or have made provision for the needs of disabled persons shall take such steps as may be reasonable, by sign-posts or similar notices, to indicate the whereabouts of the convenience.
- (3) In this section “local authority” means a local authority within the meaning of the ^{M4}Local Government Act 1933 or the Local Government (Scotland) Act [^{F20}^{M5}1973] and any joint board or joint committee of which all the constituent authorities are local authorities within the meaning of either of those Acts.

Annotations:

Amendments (Textual)

- F16** Words “appropriate provision” substituted (*prosp.*) (E.W.S.) for words commencing “provision, in so far as” by (S.) Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23, SIF 81:2), **ss. 37(1)(a)**, 43(4) and (E.W.) Disabled Persons Act 1981 (c. 43, SIF 81:3), **s. 6(1)(b)**
- F17** Words added (*prosp.*) (E.W.) by Disabled Persons Act 1981 (c. 43, SIF 81:3), **s. 6(1)(b)(6)**
- F18** Words added (*prosp.*) (S.) by Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23, SIF 81:2), **ss. 37(1)(b)**, 43(4)
- F19** S. 5(1A) inserted (*prosp.*) (E.W.S.) by (S.) Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23, SIF 81:2), **s. 37(3)** and (E.W.) Disabled Persons Act 1981 (c. 43, SIF 81:3), **s. 6(3)(6)**
- F20** Word substituted by Local Government (Scotland) Act 1973 (c. 65), **s. 141**

Marginal Citations

- M4** 1933 c. 51.

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M5 1973 c. 65.

6 Provision of sanitary conveniences at certain premises open to the public.

- (1) Any person upon whom a notice is served with respect to any premises under [^{F21}section 89 of the ^{M6}Public Health Act 1936][^{F21}section 20 of the Local Government (Miscellaneous Provisions) Act 1976] (which empowers local authorities by notice to make requirements as to the provision and maintenance of sanitary conveniences for the use of persons frequenting certain premises . . . ^{F22}) shall in complying with that notice make [^{F23}provision, in so far as it is in the circumstances both practicable and reasonable][^{F23}appropriate provision], for the needs of persons frequenting those premises who are disabled [^{F24}unless such body as may be prescribed by the Secretary of State is satisfied, after carrying out any procedures which may be so prescribed, that in the circumstances it is either not practicable to make such provision or not reasonable that such provision should be made; and different bodies and different procedures may be prescribed for different classes of buildings or other premises to which this subsection applies].
- [^{F25}(1A) Subsection (1A) of section 4 of this Act shall apply in relation to the interpretation of the last foregoing subsection of this section as the said subsection (1A) applies in relation to the interpretation of subsection (1) of that section.]
- (2) The owner of a building, who has been ordered under section 11(4) of the ^{M7}Building (Scotland) Act 1959 to make the building conform to a provision of building standards regulations made under section 3 of that Act requiring the provision of suitable and sufficient sanitary conveniences therein, shall in complying with that order make [^{F26}provision, in so far as it is in the circumstances both practicable and reasonable][^{F26}appropriate provision], for the needs of persons frequenting that building who are disabled [^{F27}unless such body as may be prescribed by the Secretary of State is satisfied, after carrying out any procedures which may be so prescribed, that in the circumstances it is either not practicable to take such provision or not reasonable that such provision should be made.]
- [^{F28}(2A) Subsection (1A) of section 4 of this Act shall apply in relation to the interpretation of the last foregoing subsection of this section as the said subsection (1A) applies in relation to the interpretation of subsection (1) of that section.]

Annotations:

Amendments (Textual)

- F21** Words commencing “section 20” substituted (E.W.) for words commencing “section 89” by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57, SIF 81:1\)](#), **s. 20(10)**
- F22** Words repealed (E.W.) by [Local Government \(Miscellaneous Provisions\) Act 1976 \(c. 57, SIF 81:1\)](#), **Sch. 2**
- F23** Words “appropriate provision” substituted (*prosp.*) (E.W.) for words commencing “provision, in so far as” by [Disabled Persons Act 1981 \(c. 43, SIF 81:3\)](#), **s. 6(1)(6)**
- F24** Words added (*prosp.*) (E.W.) by [Disabled Persons Act 1981 \(c. 43, SIF 81:3\)](#), **s. 6(1)(b)(6)**
- F25** [S.6\(1A\)](#) inserted (*prosp.*) (E.W.) by [Disabled Persons Act 1981 \(c. 43, SIF 81:3\)](#), **s. 6(3)(6)**
- F26** Words “appropriate provision” substituted (*prosp.*) (S.) for words commencing “provision, in so far as” by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#), **ss. 37(1)(a)(6)**
- F27** Words added (*prosp.*) (S.) by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#), **s. 37(1)(b)(6)**

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F28 S. 6(2A) inserted (S.) (*prosp.*) by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#), [s. 37\(3\)\(6\)](#)

Modifications etc. (not altering text)

C6 S. 6 extended (E.W.) by [Local Government Act 1972 \(c. 70\)](#), [s. 180](#)

Marginal Citations

M6 1936 c. 49.

M7 1959 c. 24.

[^{F29}7] **Signs at buildings, etc.**

- (1) Where any provision required by or under section 4, 5, 6, 8 or 8A of this Act is made at a building or premises—
 - (a) a notice or sign indicating that provision is made for the disabled shall be displayed outside the building or premises or so as to be visible from outside the building to premises; and
 - (b) notices or signs shall be displayed in the building or on the premises indicating the places where such provision is made and appropriate routes for persons who are disabled to get to those places.
- (2) Subsection 1(a) above applies to a sanitary convenience provided elsewhere than in a building, and not itself being a building, as it applies to a building.
- (3) Where parking facilities for persons who are disabled are provided under section 4 of this Act, notices or signs shall be displayed indicating an appropriate route for such persons to get from the place where the parking facilities are provided to the building or premises in connection with which they are provided.]

Annotations:

Amendments (Textual)

F29 S. 7 substituted by [Disabled Persons Act 1981 \(c. 43, SIF 81:3\)](#), [s. 5](#)

University and school buildings

8 Access to, and facilities at, university and school buildings.

- (1) Any person undertaking the provision of a building intended for purposes mentioned in subsection (2) below shall, in the means of access both to and within the building, and in the parking facilities and sanitary conveniences to be available (if any), make provision, in so far as it is in the circumstances both practicable and reasonable, for the needs of persons using the building who are disabled.
- (2) The purposes referred to in subsection (1) above are the purposes of any of the following:—
 - (a) universities, university colleges and colleges, schools and halls of universities;
[^{F30}(aa) institutions within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992]

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- [^{F31}(b) schools and institutions which provide higher education or further education (or both) and are maintained or assisted by local education authorities];
- [^{F32}(ba) institutions within the further education sector within the meaning of section 91(3) of the Further and Higher Education Act 1992]
- [^{F33}(c) educational establishments within the meaning of section 135(1) of the Education (Scotland) Act 1980.]
- [^{F34}and expressions used in paragraph (b) above and in the Education Act 1996 have the same meanings as in that Act.]

Annotations:

Amendments (Textual)

- F30** S. 8(2)(aa) (which was inserted by Education Reform Act 1988 (c. 40), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 69(3)**) substituted (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93, **Sch. 8 para. 72(a)**; S.I. 1992/831, art. 2, **Sch. 3**
- F31** S. 8(2)(b) substituted by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(1), **Sch. 12 para. 69(3)**
- F32** S. 8(2)(ba) inserted (1.4.1993) by Further and Higher Education Act 1992 (c. 13), s. 93, **Sch. 8 para. 72(b)**; S.I. 1992/831, art. 2, **Sch. 3**
- F33** S. 8(2)(c) substituted (16.5.1992) by Further and Higher Education (Scotland) Act 1992 (c. 37), s. 62(2), **Sch. 9 para. 3**; S.I. 1992/817, art. 3(2), **Sch. 1**
- F34** Words in s. 8(2) substituted (1.11.1996) by virtue of 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I**, para. 19 (with ss. 1(4), 582(3), **Sch. 39**)

[^{F35}8A Access to and facilities at, offices and other premises.

- (1) Any person undertaking the provision of premises mentioned in subsection (2) below shall be in the means of access both to and within the premises, and in the parking facilities and sanitary conveniences to be available (if any), make [^{F36}provision, in so far as it is in the circumstances both practicable and reasonable][^{F36}appropriate provision], for the needs of persons using the premises who are disabled [^{F37}unless such body as may be prescribed by the Secretary of State is satisfied, after carrying out any procedures which may be so prescribed, that in the circumstances it is either not practicable to make such provision or not reasonable that such provision should be made; and different bodies and different procedures may be prescribed for different classes of buildings or other premises to which this subsection applies][^{F38}unless such body as may be prescribed by the Secretary of State is satisfied, after carrying out any procedures which may be so prescribed, that in the circumstances it is either not practicable to make such provision or not reasonable that such provision should be made.]

[^{F39}(1A) Subsection (1A) of section 4 of this Act shall apply in relation to the interpretation of the last foregoing subsection of this section as the said subsection (1A) applies in relation to the interpretation of subsection (1) of that section.]

- (2) Premises to which this section applies are—
- (a) office premises, shop premises and railway premises to which the Offices, Shops and Railway Premises Act 1963 applies;
 - (b) premises which are deemed to be such premises for the purposes of that Act, and

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- (c) factories as defined by section 175 of the Factories Act 1961, being (in each case) premises in which persons are employed to work.]

Annotations:

Amendments (Textual)

- F35** S. 8A added by Chronically Sick and Disabled Persons (Amendment) Act 1976 (c. 49, SIF 81:3), s. 2
- F36** Words “appropriate provision” substituted (*prosp.*) (E.W.S.) for words commencing “provision, in so far as” by (S.) Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23, SIF 81:2), s. 37(1)(a) and (E.W.) Disabled Persons Act 1981 (c. 43, SIF 81:3), s. 6(1)(a)(6)
- F37** Words added (*prosp.*) (E.W.) by Disabled Persons Act 1981 (c. 43, SIF 81:3), s. 6(1)(b)
- F38** Words added (*prosp.*) (S.) by Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23, SIF 81:2), ss. 37(1)(b), 43(4)
- F39** Words inserted (*prosp.*) (E.W.S.) by (S.) Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23, SIF 81:2), ss. 37(3), 43(4) and (E.W.) Disabled Persons Act 1981 (c. 43, SIF 81:3), s. 6(3)(6)

[^{F40}8B Reports by Secretary of State on improvement of means of access.

- (1) The Secretary of State shall lay before Parliament a report on his proposals for ensuring or facilitating the improvement of means of access for disabled persons—
- (a) to buildings or premises such as are mentioned in sections 4, 8 and 8A above;
 - (b) to public sanitary conveniences; and
 - (c) to sanitary conveniences provided in any of the places mentioned in subsection (2) below.
- (2) The places referred to in subsection (1)(c) above are—
- (a) a place which is normally used or is proposed to be normally used for any of the following purposes, namely—
 - (i) the holding of any entertainment, exhibition or sporting event to which members of the public are admitted either as spectators or otherwise,
 - (ii) the sale of food or drink to members of the public for consumption at the place;
 - (b) a place which is used on some occasion or occasions or is proposed to be used on some occasion or occasions for any of the purposes aforesaid; and
 - (c) a betting office.]

Annotations:

Amendments (Textual)

- F40** S. 8B inserted (E.W.S.) by Disabled Persons Act 1981 (c. 43, SIF 81:3), s. 7

Advisory committees, etc.

9 Central advisory committee on war pensions.

- (1) The Secretary of State shall ensure that the central advisory committee constituted under section 3 of the ^{M8}War Pensions Act 1921 includes the [^{F41}chairman of at least

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one] of the committees established [^{F42}by regulations under section 25 of the Social Security Act 1989] and includes at least one war disabled pensioner, and shall cause that central advisory committee to be convened at least once in every year.

(2) This section extends to Northern Ireland.

Annotations:

Amendments (Textual)

F41 Words in s. 9 substituted (1.1.2001) by 2000 c. 19, s. 61(1); S.I. 2000/2994, art. 2(5)

F42 Words substituted by Social Security Act 1989 (c. 24, SIF 113:1), s. 25(5)

Marginal Citations

M8 1921 c. 49.

[^{F43}10 **Housing Advisory Committees.**

In the appointment of persons to be members of the . . . ^{F44} Scottish Housing Advisory Committee set up under section 167 of the ^{M9}Housing (Scotland) Act 1966, regard shall be had to the desirability of that Committee's including one or more persons with knowledge of the problems involved in housing the chronically sick and disabled and to the person or persons with that knowledge being or including a chronically sick or disabled person or persons.]

Annotations:

Amendments (Textual)

F43 S. 10 repealed (S.) by Tenants' Rights, Etc. (Scotland) Act 1980 (c. 52, SIF 61), Sch. 5

F44 Words repealed by Housing Rents and Subsidies Act 1975 (c. 6), Sch. 6 Pt. IV

Marginal Citations

M9 1966 c. 49.

11 ^{F45}

Annotations:

Amendments (Textual)

F45 S. 11 repealed by Social Security Act 1973 (c. 38), Sch. 28 Pt. I

Modifications etc. (not altering text)

C7 S. 11: power to continue in force, with or without prescribed modifications, or for temporarily retaining the effect of provision for transitional purposes conferred (1.7.1992) see Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 5, 7(2), Sch. 3 Pt. II para.15 and Social Security Act 1973 (c. 38), s. 100(2)(b), Sch. 28

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12 Industrial Injuries Advisory Council.

The Industrial Injuries Advisory Council shall include at least one person with experience of work among and of the needs of the chronically sick and disabled and in selecting any such person regard shall be had to the desirability of having a chronically sick or disabled person.

13 Youth employment service.

^{F46}(1)

(2) In the appointment of persons [^{F47}in pursuance of section 5(2)(a) of the ^{M10}Employment and Training Act 1973 to advise the Secretary of State with respect to the performance of the functions conferred on him by virtue of [^{F48}section 10(6)] of that Act] regard shall be had to the desirability of . . . ^{F49}including one or more persons with experience of work among, and the special needs of, young disabled persons and to the person or persons with that experience being or including a disabled person or persons.

Annotations:

Amendments (Textual)

F46 S. 13(1) repealed (1.4.1994 for England and Scotland, 1.4.1995 for Wales) by 1993 c. 19, s. 51, Sch.10; S.I. 1993/2503, art. 2(3), Sch.3

F47 Words substituted by Employment and Training Act 1973 (c. 50), Sch. 3 para. 11(2)

F48 Words in s. 13(2) substituted (1.4.1994 for England and Scotland, 1.4.1995 for Wales) by 1993 c. 19, s. 49(2), Sch. 8 para.3; S.I. 1993/2503, art. 2(3), Sch.3

F49 Words repealed by Employment and Training Act 1973 (c. 50), Sch. 3 para. 11(2), Sch. 4

Marginal Citations

M10 1973 c. 50.

14 Miscellaneous advisory committees.

(1) In the appointment of persons to be members of any of the following advisory committees or councils, that is to say, the Transport users' Consultative Committees [^{F50}Rail Passengers' Committees,][^{F51}the [^{F52}London Transport Users' Committee]], ^{F53} . . . , the . . . ^{F54} . . . [^{F55}and the Domestic Coal Consumers' Council], regard shall be had to the desirability of the committee or council in question including one or more persons with experience of work among, and the special needs of, disabled persons and to the person or persons with that experience being or including a disabled person or persons.

^{F56}(2)

Annotations:

Amendments (Textual)

F50 Words in s. 14(1) substituted (1.2.2001) by 2000 c. 38, s. 227, Sch. 22 para. 18; S.I. 2001/57, art. 3(2), Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)

F51 Words inserted by London Regional Transport Act 1984 (c. 32, SIF 126), s. 40(12), Sch. 3 para. 12

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- F52** Words in s. 14 substituted (3.7.2000) by 1999 c. 29, s. 252(2), **Sch. 19 para. 2** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- F53** Words in s. 14(1) repealed (7.11.2000) by 2000 c. 27, s. 108, **Sch. 8**; S.I. 2000/2974, art. 2, **Sch.**
- F54** Words in s. 14(1) repealed (1.1.2001) by 2000 c. 26, s. 127(6), **Sch. 9**; S.I. 2000/2957, art. 2(2), **Sch. 2** Table
- F55** Words in s. 14(1) repealed (E.W.S) (1.3.1995) by 1994 c. 21, s. 67(8), **Sch. 11 Pt. III** (with s. 40(7)); S.I. 1995/273, **art. 2**
- F56** S. 14(2) repealed (1.1.2001) by 2000 c. 26, s. 127(6), **Sch. 9**; S.I. 2000/2957, art. 2(2), **Sch. 2** Table

15 Co-option of chronically sick or disabled persons to local authority committees.

Where a local authority within the meaning of the ^{M11}Local Government Act 1933 or the ^{M12}Local Government (Scotland) Act 1947 appoint a committee of the authority under any enactment, and the members of the committee include or may include persons who are not members of the authority, then in considering the appointment to the committee of such persons regard shall be had, if the committee is concerned with matters in which the chronically sick or disabled have special needs, to the desirability of appointing to the committee persons with experience of work among and of the needs of the chronically sick and disabled, and to the person or persons with that experience being or including a chronically sick or disabled person or persons.

Annotations:

Marginal Citations

- M11** 1933 c. 51.
M12 1947 c. 43.

16 Duties of national advisory council under Disabled Persons (Employment) Act 1944.

The duties of the national advisory council established under section 17(1)(a) of the ^{M13}Disabled Persons (Employment) Act 1944 shall include in particular the duty of giving to the Secretary of State such advice as appears to the council to be necessary on the training of persons concerned with—

- (a) placing disabled persons in employment; or
- (b) training disabled persons for employment.

Annotations:

Modifications etc. (not altering text)

- C8** S. 16 amended (*temp.* from 2.12.1996 to 1.4.1998) by 1995 c. 50, s. **60(8)** (with ss. 59, 64, 65); S.I. 1996/1474, art. 2(3), **Sch. Pt. III**; S.I. 1998/565, **art. 2**

Marginal Citations

- M13** 1944 c. 10.

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Provisions with respect to persons under 65

17 Separation of younger from older patients.

(1) [^{F57}The Secretary of State] and every [^{F58}Health Board constituted under the ^{M14}National Health Service (Scotland) Act [^{F59}1972][^{F59}1978]] shall use their best endeavours to secure that, so far as practicable, in any hospital for which they are responsible a person who is suffering from a condition of chronic illness or disability and who—

- (a) is in the hospital for the purpose of long-term care for that condition; or
- (b) normally resides elsewhere but is being cared for in the hospital because—
 - (i) that condition is such as to preclude him from residing elsewhere without the assistance of some other person; and
 - (ii) such assistance is for the time being not available,is not cared for in the hospital as an in-patient in any part of the hospital which is normally used wholly or mainly for the care of elderly persons, unless he is himself an elderly person.

[^{F60X1}(2) Each such Board as aforesaid shall provide the Secretary of State in such form and at such times as he may direct with such information as he may from time to time require as to any persons to whom subsection (1) of this section applied who, not being elderly persons, have been cared for in any hospital for which that Board are responsible in such a part of the hospital as is mentioned in that subsection; and the Secretary of State shall in each year lay before each House of Parliament such statement in such form as he considers appropriate of the information obtained by him under this subsection.]

[^{F60}(2) The Secretary of State shall in each year lay before each House of Parliament a statement, in such form as he considers appropriate, of information as to any persons to whom subsection (1) of this section applied who, not being elderly persons, have during the preceding year been cared for in a hospital vested in him and in such part of the hospital as is mentioned in that subsection.]

(3) In this section “elderly person” means a person who is aged sixty-five or more or is suffering from the effects of premature ageing.

Annotations:

Editorial Information

- X1** S. 17 subsection (2) commencing “The Secretary of State” substituted (E.W.) for subsection (2) commencing “Each such Board” by [National Health Service Reorganisation Act 1973 \(c. 32\), s. 57, Sch. 4 para. 132\(2\)](#)

Amendments (Textual)

- F57** Words substituted by [National Health Service Reorganisation Act 1973 \(c. 32\), s. 57, Sch. 4 para. 132\(1\)](#)
- F58** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 146](#)
- F59** “1978” substituted (S.) for “1972” by [National Health Service \(Scotland\) Act 1978 \(c. 29, SIF 38\), Sch. 16 para. 33](#)
- F60** S. 17 subsection (2) commencing “The Secretary of State” substituted (E.W.) for subsection (2) commencing “Each such Board” by [National Health Service Reorganisation Act 1973 \(c. 32\), s. 57, Sch. 4 para. 132\(2\)](#)

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Modifications etc. (not altering text)

C9 S. 17: transfer of functions (E.) (1.4.2001) by S.I. 2001/747, regs. 2(1), 3, 4, **Sch. 1**

Marginal Citations

M14 1972 c. 58.

[^{F61}18 Information as to accommodation of younger with older persons under Part III of National Assistance Act 1948.

- (1) The Secretary of State shall take steps to obtain from local authorities having functions under Part III of the ^{M15}National Assistance Act 1948 information as to the number of persons under the age of 65 appearing to the local authority in question to be persons to whom section 29 of that Act applies for whom residential accommodation is from time to time provided under section 21(1)(a) or 26(1)(a) of that Act at any premises in a part of those premises in which such accommodation is so provided for persons over that age.
- (2) The Secretary of State shall take steps to obtain from local authorities [^{F62}, in respect of their functions both under the Social Work (Scotland) Act 1968 and under the Children (Scotland) Act 1995,] information as to the number of persons under the age of 65 who suffer from illness or mental disorder within the meaning of [^{F63}section 6 of the ^{M16}Mental Health (Scotland) Act 1960][^{F63}section 1(2) of the Mental Health (Scotland) Act 1984] or are substantially handicapped by any deformity or disability and for whom residential accommodation is from time to time provided under section 59 of the said Act of 1968 at any premises in a part of those premises in which such accommodation is so provided for persons over that age.
- (3) Every local authority referred to in this section shall provide the Secretary of State in such form and at such times as he may direct with such information as he may from time to time require for the purpose of this section; and the Secretary of State shall in each year lay before each House of Parliament such statement in such form as he considers appropriate of the information obtained by him under this section.]

Annotations:

Amendments (Textual)

- F61** S. 18 repealed (4.10.2001 in so far as it relates to the repeal of subsections (1) and (3) for E. and otherwise *prosp.*) by 2000 c. 14, ss. 117(2), 122, **Sch. 6**; S.I. 2001/3331, **art. 2**
- F62** Words in s. 18(2) substituted (S.) (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 17(2)** (with Sch. 3 paras. 4, 6); S.I. 1996/3201, **art. 3(7)**
- F63** Words commencing “section 1(2)” substituted (S.) for words commencing “section 6” by **Mental Health (Scotland) Act 1984** (c. 36, SIF 85), s. 127(1), **Sch. 3 para. 19**

Modifications etc. (not altering text)

C10 S. 18 extended by **Local Authority Social Services Act 1970** (c. 42), s. 2(1), **Sch. 1**

Marginal Citations

- M15** 1948 c. 29.
M16 1960 c. 61.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Chronically Sick and Disabled Persons Act 1970. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

19 F64

Annotations:

Amendments (Textual)

F64 S. 19 repealed by National Health Service Reorganisation Act 1973 (c. 32), s. 57, Sch. 5

Miscellaneous provisions

20 Use of invalid carriages on highways.

- (1) In the case of a vehicle which is an invalid carriage complying with the prescribed requirements and which is being used in accordance with the prescribed conditions—
- (a) no statutory provision prohibiting or restricting the use of footways shall prohibit or restrict the use of that vehicle on a footway;
 - (b) if the vehicle is mechanically propelled, it shall be treated for the purposes of the [F65Road Traffic Regulation Act [F661984] and [F67the Road Traffic Act 1988 [F68, except section 22A of that Act (causing danger to road users by interfering with motor vehicles etc),] and the Road Traffic Offenders Act 1988]] as not being a motor vehicle; [F69and sections 1 to 4, [F7021,34,] 163, 170 and 181 of the Road Traffic Act 1988 shall not apply to it] and
 - (c) whether or not the vehicle is mechanically propelled, it shall be exempted from the requirements of [F71section 83 of the Road Traffic Act 1988]

- (2) In this section—

“footway” means a way which is a footway, footpath or bridleway within the meaning of [F72the Highways Act 1980]; and in its application to Scotland means a way over which the public has a right of passage on foot only or a bridleway within the meaning of section 47 of the M17Countryside (Scotland) Act 1967;

“invalid carriage” means a vehicle, whether mechanically propelled or not, constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability;

“prescribed” means prescribed by regulations made by the Minister of Transport;

“statutory provision” means a provision contained in, or having effect under, any enactment.

- (3) Any regulations made under this section shall be made by statutory instrument, may make different provision for different circumstances and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Annotations:

Subordinate Legislation Made

P2 S. 20: power exercised by S.I. 1970/1391, 1988/2268

Amendments (Textual)

F65 Words substituted by Road Traffic Act 1972 (c. 20), Sch. 7

F66 “1984” substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 13 para. 10

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- F67** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 7(a)**
- F68** Words in s. 20(1)(b) inserted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 3(a)**; S.I. 1992/1286, art. 2, **Sch.**
- F69** Words in s. 20(1)(b) added (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 3(b)**; S.I. 1992/1286, art. 2, **Sch.**
- F70** Words inserted (30.1.2001) by 2000 c. 37, ss. 67, 103(2), **Sch. 7 para. 3**
- F71** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 7(b)**
- F72** Words substituted (E.W.) by Highways Act 1980 (c. 66, SIF 59), **Sch. 24 para. 19**

Marginal Citations

M17 1967 c. 86.

21 Badges for display on motor vehicles used by disabled persons.

- (1) There shall be a badge of a prescribed form to be issued by local authorities for motor vehicles driven by, or used for the carriage of, disabled persons; and—
- (a) subject to the provisions of this section, the badge so issued for any vehicle or vehicles may be displayed on it or on any of them either inside or outside the area of the issuing authority; and
 - (b) any power under [^{F73}Part III of Schedule 9 to the Road Traffic Regulation Act 1984] to make regulations requiring that orders under the Act shall include exemptions shall be taken to extend to requiring that an exemption given with reference to badges issued by one authority shall be given also with reference to badges issued by other authorities.
- [^{F74}(2) A badge may be issued to a disabled person of any prescribed description resident in the area of the issuing authority for one or more vehicles driven by him or used by him as a passenger.]
- (4) A badge may be issued to an institution concerned with the care of the disabled for any motor vehicle or, as the case may be, for each motor vehicle kept in the area of the issuing authority and used by or on behalf of the institution to carry disabled persons of any prescribed description; ^{F75} . . .
- [^{F76}(4A) A badge issued under this section may be displayed only in such circumstances and in such manner as may be prescribed.
- (4B) A person who drives a motor vehicle on a road (within the meaning of the Road Traffic Act 1988) at a time when a badge of a form prescribed under this section is displayed on the vehicle is guilty of an offence unless the badge is issued under this section and displayed in accordance with regulations made under it.
- (4C) A person guilty of an offence under subsection (4B) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.]
- (5) A local authority shall maintain a register showing the holders of badges issued by the authority under this section, and the vehicle or vehicles for which each of the badges is held; ^{F77} . . .
- (6) A badge issued under this section shall remain the property of the issuing authority, shall be issued for such period as may be prescribed, and shall be returned to the issuing authority in such circumstances as may be prescribed.

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- (7) Anything which is under this section to be prescribed shall be prescribed by regulations made by the Minister of Transport and Secretary of State by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and regulations so made may make provision—
- (a) as to the cases in which authorities may refuse to issue badges, and as to the fee (if any) which an authority may charge for the issue or re-issue of a badge; and
 - (b) as to the continuing validity or effect of badges issued before the coming into force of this section in pursuance of any scheme having effect under section 29 of the ^{M18}National Assistance Act 1948 or any similar scheme having effect in Scotland; and
 - (c) as to any transitional matters, and in particular the application to badges issued under this section of orders made before [^{F78}the time when] it comes into force and operating with reference to any such badges as are referred to in paragraph (b) above (being orders made, or [^{F78}at that time] having effect as if made, under the ^{M19}Road Traffic Regulation Act 1967).

[^{F79}(7A) Where the prescribed conditions are met in the case of any person, then—

- (a) if he applies to a local authority for the issue of a badge under this section, the authority may by notice refuse the application; and
- (b) if he holds a badge issued under this section by the authority, the authority may by notice require him to return the badge to them.

The conditions that may be prescribed for the purposes of this subsection are conditions relating to the misuse of badges issued under this section.

(7B) A notice under subsection (7A) above may be given by post.

(7C) A person whose application is refused under subsection (7A) above or who is required to return his badge under that subsection may, within the prescribed time, appeal to the Secretary of State who may confirm or reverse the decision of the local authority; and, if he reverses it, the authority shall issue a badge accordingly or, as the case may be, the requirement to return the badge shall cease to have effect.

[^{F80}(7CA) The Scottish Ministers may by regulations make provision for or in connection with appeals from decisions of the Scottish Ministers under subsection (7C) above.]

(7D) A badge which is required to be returned to the issuing authority by virtue of subsection (6) above may not be displayed on any vehicle; and a badge which is required to be so returned by virtue of a notice under subsection (7A) above shall be returned with the prescribed time and may not be displayed on any vehicle after that time.

(7E) Regulations under this section may provide for the procedure to be followed in connection with appeals under subsection (7C) above; but the Secretary of State shall consult with the Council on Tribunals before making regulations that so provide.]

[^{F81}(7F) The Scottish Ministers may by regulations make such provision for or in connection with enabling badges—

- (a) issued under such provision of the law of Northern Ireland as corresponds to this section; or
- (b) issued by any member State other than the United Kingdom for purposes corresponding to the purposes for which badges under this section are issued, to be treated for such purposes as may be specified in the regulations as if they were badges issued under this section.

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- (7G) Any regulations under subsections (7CA) and (7F) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.]
- (8) The local authorities for purposes of this section shall be the common council of the City of London, the council of a county [^{F82}or Metropolitan district] . . . ^{F83} in England ^{F84} . . . or of a London borough [^{F85}, the council of a Welsh county or county borough] and [^{F86}, in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]; and in this section “motor vehicle” has the same meaning as in the Road Traffic Regulation Act [^{F87}1984].
- (9) This section shall come into operation on such date as the Minister of Transport and Secretary of State may by order made by statutory instrument appoint.

Annotations:

Subordinate Legislation Made

- P3** S. 21: for previous exercises of powers see Index to Government Orders
- P4** S. 21(9) power exercised: 1.12.1971 appointed for s. 21 by S.I. 1971/1491

Amendments (Textual)

- F73** Words in s. 21(1)(b) substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 13 para. 11(a)**
- F74** S. 21(2) substituted (1.10.1991) for s. 21(2)(3) by Road Traffic Act 1991 (c. 40, SIF 107:1), **ss. 35(2)**; S.I. 1991/2054, art. 3, **Sch.**
- F75** Words in s. 21(4) repealed (2.3.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 35(3), 83, **Sch. 8**; S.I. 1992/199, **art. 3(1)**
- F76** S. 21(4A)(4B)(4C) inserted (2.3.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), **s. 35(4)**; S.I. 1992/199, **art. 3(1)**
- F77** Words in s. 21(5) repealed (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 35(5), 83, **Sch. 8**; S.I. 1991/2054, art. 3, **Sch.**
- F78** Words in s. 21(7)(c) inserted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 13 para. 11(b)**
- F79** S. 21(7A)–(7E) inserted by Transport Act 1982 (c. 49, SIF 107:1), **s. 68**
- F80** S. 21(7CA) inserted (S.) (1.4.2001) by 2001 asp 2, **s. 73(e)** (with s. 66); S.S.I. 2001/132, art. 2(2), **Sch. Pt. I** (subject to transitional provisions in arts. 3, 4)
- F81** S. 21(7F)(7G) inserted (S.) (1.4.2001) by 2001 asp 2, **s. 73(d)** (with s. 66); S.S.I. 2001/132, art. 2(2), **Sch. Pt. I** (subject to transitional provisions in arts. 3, 4)
- F82** Words in s. 21(8) inserted by Local Government Act 1985 (c. 51, SIF 81:1), s. 8, **Sch. 5 Pt. I para. 1**
- F83** Words in s. 21(8) repealed by Local Government Act 1972 (c. 70), **Sch. 30**
- F84** Words in s. 21(8) repealed (1.4.1996) by 1994 c. 19, ss. 22(4), 66(8), Sch. 10 para. 8, **Sch. 18** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, arts. 3, 4, Sch. 1, **Sch. 2**
- F85** Words in s. 21(8) inserted (1.4.1996) by 1994 c. 19, s. 22(4), **Sch. 10 para. 8** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F86** Words in s. 21(8) substituted (S.) (1.4.1996) by virtue of 1994 c. 39, s. 180(1), **Sch. 13 para. 86**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F87** “1984” substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 13 para. 11(c)**

Modifications etc. (not altering text)

- C11** S. 21(7): modification of functions (24.6.1999) by S.I. 1999/1756, art. 2, **Sch. para. 4**

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Marginal Citations

M18 1948 c. 29.

M19 1967 c. 76.

22 Annual report on research and development work.

The Secretary of State shall as respects each year lay before Parliament a report on the progress made during that year in research and development work carried out by or on behalf of any Minister of the Crown in relation to equipment that might increase the range of activities and independence or well-being of disabled persons, and in particular such equipment that might improve the indoor and outdoor mobility of such persons.

23 War pensions appeals.

(1) The ^{M20}Pensions Appeal Tribunals Act 1943 shall have effect with the amendments specified in the subsequent provisions of this section.

(2) In section 5—

- (a) so much of subsection (1) as prevents the making of an appeal from an interim assessment of the degree of a disablement before the expiration of two years from the first notification of the making of an interim assessment (that is to say, the words from “if” to “subsection” where first occurring, and the words “in force at the expiration of the said period of two years”) is hereby repealed except in relation to a claim in the case of which the said first notification was given before the commencement of this Act;
- (b) in second paragraph of subsection (1) (which defines “interim assesment” for the purposes of that subsection), for the words “this subsection” there shall be substituted the words “this section”;
- (c) in subsection (2) (which provides for an appeal to a tribunal from a Ministerial decision or assessment purporting to be a final settlement of a claim) at the end there shall be added the words “and if the Tribunal so set aside the Minister’s decision or assessment they may, if they think fit, make such interim assessment of the degree or nature of the disablement, to be in force until such a date not later than two years after the making of a Tribunal’s assessment, as they think proper”;
- (d) subsection (3) (which makes provision as to the coming into operation of section 5) is hereby repealed.

(3) In section 6, after subsection (2) there shall be inserted the following subsection—

“(2A) where, in the case of such a claim as is referred to in section 1, 2, 3 or 4 of this Act—

- (a) an appeal has been made under that section to the Tribunal and that the appeal has decided (whether with or without an appeal under subsection (2) of this section from the Tribunal’s decision); but
- (b) subsequently, on an application for the purpose made (in like an application for leave to appeal under the said subsection (2) jointly by the appellant and the Minister, it appears to be the appropriate authority (that is to say, the person to whom under rules made under the Schedule to this Act any application for directions on any matter

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arising in connection with the appeal to the Tribunal fell to be made) to be proper so to do —

- (i) by reason of the availability of additional evidence; or
- (ii) (except where an appeal from the Tribunal's decision has been made under the said subsection (2)), on the ground of the Tribunal's decision being erroneous in point of law,

the appropriate authority may, if he thinks fit, direct that the decision on the appeal to the Tribunal be treated as set aside and the appeal from the Minister's decision be heard again by the Tribunal".

- (4) In subsection (3) of section 6 (under which, subject to subsection (2) of that section, a tribunal's decision is final and conclusive) for the words "subject to the last foregoing subsection" there shall be substituted the words "subject to subsections (2) and (2A) of this section".
- (5) In consequence of the ^{M21}Secretary of State for Social Services Order 1968, in section 12(1), for the definition of "the Minister" there shall be substituted the following:—

““the Minister” means the Secretary of State for Social Services”.

- (6) This section extends to Northern Ireland.

Annotations:

Modifications etc. (not altering text)

- C12** The text of s. 23(2)(b)—(d)(3) and (4) 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

- M20** 1943 c. 39.
- M21** S.I. 1968/1699.

24 Institute of hearing research.

The Secretary of State shall collate and present evidence to the Medical Research Council on the need for an institute for hearing research, such institute to have the general function of co-ordinating and promoting research on hearing and assistance to the deaf and hard of hearing.

25— F88
27.

Annotations:

Amendments (Textual)

- F88** Ss. 25–27 repealed (E.W.S.) by (S.) Education (Scotland) Act 1980 (c. 44, SIF 41:2), **Sch. 5** and (E.W.) Education Act 1981 (c. 60, SIF 41:1), s. **20(2) Sch. 4**

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28 Power to define certain expressions.

Where it appears to the Secretary of State to be necessary or expedient to do so for the proper operation of any provision of this Act, he may by regulations made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make provision as to the interpretation for the purposes of that provision of any of the following expressions appearing therein, that is to say, “chronically sick”, “chronic illness”, “disabled” and “disability”.

Annotations:

Modifications etc. (not altering text)

- C13** S. 28 amended (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 120(4)
- C14** S. 28 extended (14.7.1992) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), ss. 105(5), 164(5) (with s. 167(4)(5)); S.I. 1992/1671, art. 2, Sch.; S.I. 1992/1686, art. 3, Sch.
- C15** S. 28 extended (1.10.1991) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 82(4); S.I. 1991/2054, art. 3, Sch.

[^{F89}28A Application of Act to authorities having functions under the Children Act 1989.

This Act applies with respect to disabled children in relation to whom a local authority have functions under Part III of the Children Act 1989 as it applies in relation to persons to whom section 29 of the National Assistance Act 1948 applies.]

Annotations:

Amendments (Textual)

- F89** S. 28A inserted (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(5), Sch. 13 para. 27; S.I. 1991/828, art. 3(2)

29 Short title, extent and commencement.

(1) This Act may be cited as the Chronically Sick and Disabled Persons Act 1970.

[^{F90}(2) Sections 1 and 2(1) of this Act shall apply to Scotland so however that—

[^{F91X2}(a) any references to functions under section 29 of the National Assistance Act ^{M22}1948 shall be construed as references to duties to—

- (i) chronically sick or disabled persons; or
- (ii) persons suffering from mental disorder,

(being persons in need) to whom section 12 of the Social Work (Scotland) Act ^{M23}1968 applies [^{F92}except that in case of persons under eighteen years of age such references shall instead be construed as references to duties to disabled children (within the meaning of Chapter 1 of Part II of the Children (Scotland) Act 1995)];]

[^{F93}(b) any references to services provided under arrangements made by a local authority under the said section 29 shall be construed as references to services for—

- (i) such chronically sick or disabled, or such mentally disordered, persons provided by virtue of the said section 12; or

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- (ii) such disabled children provided under section 23(1) of the said Act of 1995,
by a local authority;]
- (c) in section 2(1) as originally enacted—
- (i) the words “who is ordinarily resident in their area” shall be omitted;
 - (ii) for the words from “notwithstanding” to “that Act” where those words secondly occur there shall be substituted the words “subject to the provisions of section 5 of the said Act of 1968 (which requires local authorities to exercise their functions under that Act”.]
- (3) Save as otherwise expressly provided by sections 9, 14 and 23, this Act does not extend to Northern Ireland.
- (4) This Act shall come into force as follows:—
- (a) sections 1 and 21 shall come into force on the day appointed thereunder;
 - (b) sections 4, 5, 6, 7 and 8 shall come into force at the expiration of six months beginning with the date this Act is passed;
 - (c) the remainder shall come into force at the expiration of three months beginning with that date.

Annotations:

Editorial Information

- X2** S. 29(2)(a) containing paras. (i) and (ii) substituted (S.) for s. 29(2)(a) first appearing by [Disabled Persons \(Services, Consultation and Representation\) Act 1986 \(c. 33, SIF 103\)](#), **s. 12(1)**

Amendments (Textual)

- F90** S. 29(2) substituted by [Chronically Sick and Disabled Persons \(Scotland\) Act 1972 \(c. 51\)](#), **s. 1(1)**
- F91** S. 29(2)(a) containing paras. (i) and (ii) substituted (S.) for s. 29(2)(a) first appearing by [Disabled Persons \(Services, Consultation and Representation\) Act 1986 \(c. 33, SIF 103\)](#), **s. 12(1)**
- F92** Words in s. 29(2)(a) added (S.) (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 17(3)(a)** (with Sch. 3 paras. 4, 6); S.I. 1996/3201, **art. 3(7)**
- F93** S. 29(2)(b) substituted (S.) (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 17(3)(b)** (with Sch. 3 paras. 4, 6); S.I. 1996/3201, **art. 3(7)**

Marginal Citations

- M22** 1948 c.29(81:3).
- M23** 1968 c.49(81:3).

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Changes and effects yet to be applied to :

- s. 2(1A) inserted by 2008 c. 14 s. 148(3)
- s. 6(2) text amended by 2003 asp 8 Sch. 6 para. 5(a)
- s. 6(2) text amended by 2003 asp 8 Sch. 6 para. 5(b)
- s. 6(2) text amended by 2003 asp 8 Sch. 6 para. 5(c)
- s. 6(2) text amended by 2003 asp 8 Sch. 6 para. 5(d)
- s. 8(2)(b) text amended by S.I. 2010/1158 Sch. 2 para. 24
- s. 8B(2)(c) repealed by 2005 c. 19 Sch. 16 para. 4 Sch. 17
- s. 14(1) text amended by 2005 c. 14 Sch. 12 para. 3
- s. 17 functions made exercisable by Local Health Boards by S.I. 2009/1511 reg. 4 Sch.
- s. 18(2) text amended by S.S.I. 2005/465 Sch. 1 para. 5(2)
- s. 20 applied (with modifications) by S.I. 2006/1177 Sch. Pt. 1
- s. 21(4) text amended by 2005 asp 12 s. 49
- s. 21(4) text amended by 2005 c. 13 Sch. 1 para. 41
- s. 21(4B) text amended by 2004 c. 18 s. 94(2)
- s. 21(4C) text amended by 2004 c. 18 s. 94(4)
- s. 21(4BA)-(4BD) inserted by 2004 c. 18 s. 94(3)
- s. 21(7E) text amended by 2007 c. 15 Sch. 8 para. 2
- s. 23(3)(4) repealed by 2004 c. 32 Sch. 3

Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21A-21C inserted by 2005 c. 13 s. 9

Commencement Orders yet to be applied to the Chronically Sick and Disabled Persons Act 1970:

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2005/356 art. 2 Sch. 1 2 commences (2004 c. 32)
- S.I. 2005/1676 art. 2 commences (2005 c. 13)
- S.I. 2005/1909 art. 2 commences (2005 c. 14)
- S.I. 2006/1736 art. 2 commences (2004 c. 18)
- S.I. 2006/2826 art. 2 commences (2004 c. 18)
- S.I. 2006/3272 art. 2 Sch. 1-3 commences (2005 c. 19)
- S.I. 2007/2709 art. 2-6 commences (2007 c. 15)
- S.I. 2007/3285 art. 2 commences (2005 c. 13)
- S.I. 2010/708 art. 1-14 commences (2008 c. 14)
- S.I. 2010/989 art. 2 commences (2008 c. 14)
- S.S.I. 2003/588 art. 2 commences (2001 asp 2)
- S.S.I. 2007/161 art. 2 commences (2005 asp 12)