



# Chronically Sick and Disabled Persons Act 1970

## 1970 CHAPTER 44

### *Welfare and housing*

#### **2 Provision of welfare services.**

- (1) [<sup>F1</sup>Where a local authority having functions under section 29 of the <sup>M1</sup>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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**Changes to legislation:** There are currently no known outstanding effects for the Chronically Sick and Disabled Persons Act 1970, Section 2. (See end of Document for details)

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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, . . . <sup>F2</sup> subject [<sup>F3</sup>to the provisions of section 35(2) of that Act (which requires local authorities to exercise their functions under Part III of that Act . . . <sup>F4</sup> in accordance with the provisions of any regulations made for the purpose) and][<sup>F5</sup>to the provisions of section 7(1) of the <sup>M2</sup>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) [<sup>F6</sup>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.]

<sup>F7</sup>[<sup>F8</sup>(1A)] . . . . .

(2) . . . . . <sup>F9</sup>

[<sup>F10</sup>(3) Subsections (4) to (6) apply to local authorities in England.

- (4) Where a local authority have functions under Part 3 of the Children Act 1989 in relation to a disabled child and the child is ordinarily resident in their area, they must, in exercise of those functions, make any arrangements within subsection (6) that they are satisfied it is necessary for them to make in order to meet the needs of the child.
- (5) Subsection (4) is subject to sections 7(1) and 7A of the Local Authority Social Services Act 1970 (exercise of social services functions subject to guidance or directions of the Secretary of State).
- (6) The arrangements mentioned in subsection (4) are arrangements for any of the following—
- (a) the provision of practical assistance for the child in the child's home;
  - (b) the provision of wireless, television, library or similar recreational facilities for the child, or assistance to the child in obtaining them;
  - (c) the provision for the child of lectures, games, outings or other recreational facilities outside the home or assistance to the child in taking advantage of available educational facilities;
  - (d) the provision for the child of facilities for, or assistance in, travelling to and from home for the purpose of participating in any services provided under arrangements made by the authority under Part 3 of the Children Act 1989 or, with the approval of the authority, in any services, provided otherwise than under arrangements under that Part, which are similar to services which could be provided under such arrangements;
  - (e) the provision of assistance for the child in arranging for the carrying out of any works of adaptation in the child's home or the provision of any additional facilities designed to secure greater safety, comfort or convenience for the child;
  - (f) facilitating the taking of holidays by the child, whether at holiday homes or otherwise and whether provided under arrangements made by the authority or otherwise;
  - (g) the provision of meals for the child whether at home or elsewhere;

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- (h) the provision of a telephone for the child, or of special equipment necessary for the child to use one, or assistance to the child in obtaining any of those things.
- (7) Any question arising under this section as to a person's ordinary residence in an area in England or Wales is to be determined by the Secretary of State or by the Welsh Ministers.
- (8) The Secretary of State and the Welsh Ministers must make and publish arrangements for determining which cases are to be dealt with by the Secretary of State and which are to be dealt with by the Welsh Ministers.
- (9) Those arrangements may include provision for the Secretary of State and the Welsh Ministers to agree, in relation to any question that has arisen, which of them is to deal with the case.]

#### Textual Amendments

- F1** S. 2(1) omitted (E.W.) (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016](#) (S.I. 2016/413), regs. 2(1), **27**
- F2** Words repealed by [Local Government Act 1972](#) (c. 70), **Sch. 30**
- F3** 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**
- F4** Words repealed by [Local Authority Social Services Act 1970](#) (c. 42), **Sch. 2 para. 12(1)**
- F5** Words inserted by [Local Authority Social Services Act 1970](#) (c. 42), **Sch. 2 para. 12(1)**
- F6** 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**
- F7** S. 2(1A) omitted (1.4.2015) by virtue of [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015](#) (S.I. 2015/914), art. 1(2), **Sch. para. 21(2)** (with arts. 1(3), 3); S.I. 2015/993, art. 2
- F8** S. 2(1A) inserted (19.4.2010 for E., 19.4.2010 for W.) by [Health and Social Care Act 2008](#) (c. 14), ss. **148(3)**, 170(3), 170(4); S.I. 2010/708, art. 11 (with art. 12); S.I. 2010/989, art. 2 (with art. 4); S.I. 2010/708, art. 11 (with art. 12); S.I. 2010/989, art. 2 (with art. 4)
- F9** S. 2(2) repealed by [Local Government Act 1972](#) (c. 70), **Sch. 30**
- F10** S. 2(3)-(9) inserted (1.4.2015) by [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015](#) (S.I. 2015/914), art. 1(2), **Sch. para. 21(3)** (with arts. 1(3), 3); S.I. 2015/993, art. 2

#### Modifications etc. (not altering text)

- C1** S. 2 extended by [Local Authority Social Services Act 1970](#) (c. 42), s. 2(1), **Sch. 1**

#### Marginal Citations

- M1** 1948 c. 29.
- M2** 1970 c. 42.

**Changes to legislation:**

There are currently no known outstanding effects for the Chronically Sick and Disabled Persons Act 1970, Section 2.