



Chronically Sick and Disabled Persons (Northern Ireland) Act 1978

1978 CHAPTER 53

An Act to make further provision with respect to the welfare of chronically sick and disabled persons in Northern Ireland; and for connected purposes. [31st July 1978]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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

- (1) The Department of Health and Social Services for Northern Ireland shall inform itself of the number of and, so far as reasonably practicable, the identity of persons who are blind, deaf or dumb, and other persons who are substantially handicapped by illness, injury or congenital deformity and whose handicap is of a permanent or lasting nature or are suffering from a mental disorder within the meaning of the Mental Health Act (Northern Ireland) 1961, and of the need for the making by that Department of arrangements for promoting the social welfare of such persons under Articles 4(b) and 15 of the Health and Personal Social Services (Northern Ireland) Order 1972.
- (2) The Department of Health and Social Services for Northern Ireland—
 - (a) shall cause to be published from time to time at such times and in such manner as that Department considers appropriate general information as to the services provided under such arrangements which are for the time being available under Articles 4(b) and 15 of the Health and Personal Social Services (Northern Ireland) Order 1972; and
 - (b) shall ensure that any such person as aforesaid who uses any of those services is informed of any other services provided under the Health and Personal Social Services (Northern Ireland) Order 1972 and of services provided by other government departments, public bodies and voluntary organisations which in the opinion of the Department are relevant to his needs.

2 Provision of social welfare services

Where the Department of Health and Social Services for Northern Ireland is satisfied in the case of any person to whom section 1 above applies that it is necessary in order to meet the needs of that person for that Department to make arrangements under Articles 4(b) and 15 of the Health and Personal Social Services (Northern Ireland) Order 1972 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 that Department under the said Articles 4(b) and 15 for promoting the social welfare of such persons or, with the approval of that Department, 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 that Department or otherwise ;
- (g) the provision of meals for that person whether in his home or elsewhere;
- (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, that Department shall make those arrangements.

3 Duties of Housing Executive

The Northern Ireland Housing Executive when considering the needs of any district with respect to the provision of further housing accommodation shall have regard to the special needs of chronically sick and disabled persons; and any proposals for the provision of new housing shall distinguish any houses which the Executive proposes to provide which make special provision for the needs of those persons.

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 provision, in so far as it is in the circumstances both practicable and reasonable, for the needs of members of the public visiting the building or premises who are disabled.
- (2) This section shall not apply to any building or premises intended for purposes mentioned in subsection (2) of section 8 of this Act or any such premises as are mentioned in subsection (3) of that section.

5 Provision of public sanitary conveniences

- (1) Where any district council undertakes the provision of a public sanitary convenience, it shall be the duty of the council, in doing so, to make provision, in so far as it is in the circumstances both practicable and reasonable, for the needs of disabled persons.
- (2) Any district council which in any public sanitary convenience provided by it makes or has 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.

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

Any person upon whom a notice is served with respect to any premises under section 44 of the Public Health Acts Amendment Act 1907 (under which a district council may serve a notice' requiring the provision of urinals or sanitary conveniences on certain premises) shall in complying with that notice make provision, in so far as it is in the circumstances both practicable and' reasonable, for the needs of persons frequenting those premises who are disabled.

7 Signs at buildings complying with sections 4 to 6

- (1) Where any provision required by or under section 4, 5 or 6 of this Act is made at a building in compliance with that section, a notice or sign indicating that provision is made for the disabled shall be displayed outside the building or so as to be visible from outside it.
- (2) This section applies to a sanitary convenience provided elsewhere than in a building, and not itself being a building, as it applies to a building.

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 or of premises mentioned in subsection (3) below 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 provision, in so far as it is in the circumstances both practicable and reasonable, for the needs of persons using the building or premises who are disabled.
- (2) The purposes referred to in subsection (1) above are the purposes of any of the following: —
 - (a) universities;
 - (b) schools within the meaning of the Education and Libraries (Northern Ireland) Order 1972, colleges of education or other establishments for the training of teachers maintained in pursuance of Article 55 of that Order or in respect of which grants are paid under that Article and other institutions providing further education under Article 23 of that Order;
 - (c) the Ulster College.
- (3) The premises referred to in subsection (1) above are—
 - (a) office premises and shop premises within the meaning of the Office and Shop Premises Act (Northern Ireland) 1966;
 - (b) premises which are treated as such premises for the purposes of that Act;

(c) factories within the meaning of the Factories Act (Northern Ireland) 1965, being (in each case) premises in which persons are employed to work.

9 Advisory committees, etc.

Where an advisory committee is appointed under any statutory provision as defined by section 1 of the Interpretation Act (Northern Ireland) 1954, regard shall be had, in the appointment of persons to be members of that committee, to the desirability of the committee including one or more persons with experience of work among, and the special needs of, disabled persons and of the person or persons with that experience being or including a disabled person or persons.

10 Co-option of chronically sick or disabled persons by Committees of Health and Social Services Board

Where a Health and Social Services Board appoints a committee or sub-committee of the Board and the members of the committee or sub-committee include or may include persons who are not members of the Board, then in considering the appointment to the committee or sub-committee of such persons regard shall be had, if the committee or sub-committee is concerned with matters in which the chronically sick or disabled have special needs, to the desirability of appointing to the committee or sub-committee persons with experience of work among and of the needs of the chronically sick and disabled, and of the person or persons with that experience being or including a chronically sick or disabled person or persons.

11 Co-option of chronically sick or disabled persons to committees of district council

Where a district council appoints a committee of the council under any statutory provision as defined by section 1 of the Interpretation Act (Northern Ireland) 1954, and the members of the committee include or may include persons who are not members of the council, 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 of the person or persons with that experience being or including a chronically sick or disabled person or persons.

12 Separation of younger from older patients

- (1) The Department of Health and Social Services for Northern Ireland shall use its best endeavours to secure that, so far as practicable, in any hospital for which it is 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.

- (2) The Head of the Department of Health and Social Services for Northern Ireland shall in each year lay before the Northern Ireland Assembly a statement in such form as he considers appropriate of information as to any persons to whom subsection (1) of this section applies who, not being elderly persons, have been cared for in any hospital for which that Department is responsible in such a 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.

13 Information as to accommodation of younger and older persons

The Head of the Department of Health and Social Services for Northern Ireland shall in each year lay before the Northern Ireland Assembly a statement in such form as he considers appropriate of the number of persons under the age of sixty-five appearing to that Department to be persons to whom section 1 above applies for whom residential accommodation is from time to time provided, whether by that Department or in accordance with arrangements made under Article 36 of the Health and Personal Social Services (Northern Ireland) Order 1972 (being accommodation for persons in need within the meaning of Article 2 of that Order) at any premises in a part of those premises in which such accommodation is so provided for persons over that age.

14 Badges for display on motor vehicles used by disabled persons

- (1) There shall be a badge of a prescribed form to be issued by the Department of the Environment for Northern Ireland (in this section referred to as " the Department ") 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 ; and
 - (b) the Department may by regulations exempt vehicles displaying such badges from the requirements of orders, byelaws and regulations made, or having effect as if made, under section 19 or 90 of the Road Traffic Act (Northern Ireland) 1970.
- (2) A badge may be issued to a disabled person of any prescribed description for one or more vehicles which he drives and, if so issued, may be displayed on it or any of them at times when he is the driver.
- (3) In such cases as may be prescribed, a badge may be issued to a disabled person of any prescribed description for one or more vehicles used by him as a passenger and, if so issued, may be displayed on it or any of them at times when the vehicle is being used to carry him. A badge may be issued to the same person both under this subsection and under subsection (2) above.
- (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 used by or on behalf of the institution to carry disabled persons of any prescribed description ; and any badge so issued may be displayed on the vehicle for which it is issued at times when the vehicle is being so used.

- (5) The Department shall maintain a register showing the holders of badges issued by it under this section, and the vehicle or vehicles for which each of the badges is held; and in the case of badges issued to disabled persons the register shall show whether they were, for any motor vehicle, issued under subsection (2) or under subsection (3) or both.
- (6) A badge issued under this section shall remain the property of the Department, shall be issued for such period as may be prescribed, and shall be returned to the Department in such circumstances as may be prescribed.
- (7) Anything which is under this section to be prescribed shall be prescribed by regulations made by the Department; and regulations so made may make provision—
 - (a) as to the cases in which the Department may refuse to issue badges, and as to the fee (if any) which the Department 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 arrangements made by Health and Social Services Boards or the Department for the welfare of disabled persons; and
 - (c) as to any transitional matters, and in particular the application to badges issued under this section of orders, byelaws or regulations made, or having effect as if, made, under the Road Traffic Act (Northern Ireland) 1970 before the coming into force of this section and operating with reference to any such badges as are referred to in paragraph (b) above.
- (8) In this section " motor vehicle " has the same meaning as in section 190(1) of the Road Traffic Act (Northern Ireland) 1970.

15 Special educational treatment for the deaf-blind

—Every Education and Library Board shall provide the Department of Education for Northern Ireland at such times as that Department may direct with information on the provision made by that Board of special educational facilities for children who suffer the dual handicap of blindness and deafness.

16 Special educational treatment for children suffering from autism, etc.

- (1) Every Education and Library Board shall provide the Department of Education for Northern Ireland at such times as that Department may direct with information on the provision made by that Board of special educational facilities for children who suffer from autism or other forms of early childhood psychosis.
- (2) The arrangements made by an Education and Library Board for the special educational treatment of children suffering from autism and other forms of early childhood psychosis shall, so far as is practicable, provide for the giving of such education in any grant-aided school within the meaning of the Education and Libraries (Northern Ireland) Order 1972.

17 Special educational treatment for children suffering from dyslexia

- (1) Every Education and Library Board shall provide the Department of Education for Northern Ireland at such times as that Department may direct with information on the

provision made by that Board of special educational facilities for children who suffer from severe specific language learning disabilities.

- (2) The arrangements made by an Education and Library Board for the special educational treatment of children suffering from severe specific language learning disabilities shall, so far as is practicable, provide for the giving of such education in any grant-aided school within the meaning of the Education and Libraries (Northern Ireland) Order 1972.

18 Power to define certain expressions

Where it appears to the Department of Health and Social Services for Northern Ireland to be necessary or expedient to do 'so for the proper operation of any provision of this Act that Department may by regulations 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 ".

19 Regulations and orders

- (1) Regulations and orders made under this Act shall be statutory rules for the purposes of the Statutory Rules Act (Northern Ireland) 1958.
- (2) Regulations made under this Act shall be subject to negative resolution.

20 Interpretation

The Interpretation Act (Northern Ireland) 1954 shall apply to this Act as it applies to a Measure of the Northern Ireland Assembly.

21 Short title and commencement

- (1) This Act may be cited as the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978.
- (2) This Act shall come into operation on such day or days as the Secretary of State may by order appoint.
- (3) This Act extends to Northern Ireland only.