

## SCHEDULES

### SCHEDULE 9

Section 29.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART I

##### MISCELLANEOUS AMENDMENTS

##### *Public Health Act 1936 (c. 49)*

- 1 So much of subsections (3) and (4) of section 143 of the Public Health Act 1936 (regulations for prevention and treatment of infectious disease etc.) as relates to the enforcement and execution of regulations under that section by officers and men employed in the coastguard shall cease to have effect.

##### *Public Health (Scotland) Act 1945 (c. 15)*

- 2 (1) In subsections (3) and (4) of section 1 of the Public Health (Scotland) Act 1945 (regulations for prevention and treatment of infectious diseases etc.) the words " and officers and men employed in the coastguard " shall be omitted wherever they occur.
- (2) In the proviso to subsection (3) of that section, for the words " officer, or person " there shall be substituted the words " or officer ".
- (3) In section (4) of that section after the word "Board" there shall be inserted the word " or ".

##### *National Assistance Act 1948 (c. 29)*

- 3 The following section shall be inserted after section 30 of the National Assistance Act 1948—

##### **“30A Research.**

Without prejudice to any powers conferred on them by any other Act.—

- (a) the Secretary of State may promote research into any matter relating to the functions of local authorities under this Part of this Act, and, in particular, may participate with or assist other persons in conducting such research; and
- (b) a local authority may conduct or assist other persons in conducting research into any matter relating to the functions of local authorities under this Part of this Act.”
- 4 In section 41(2)(a) of the National Assistance Act 1948 (registration of charities for disabled persons) for the words " the Residential Homes Act 1980 " there shall be

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substituted the words " Part I of Schedule 4 to the Health and Social Services and Social Security Adjudications Act 1983 ".

*Nurseries and Child-Minders Regulation Act 1948 (c. 53)*

- 5 In subsection (3) of section 3 of the Nurseries and Child-Minders Regulation Act 1948 (by virtue of which a local social services authority are required to issue a copy of a certificate under that section which has been lost or destroyed on payment of a fee not exceeding 25p) for the words from " fee " to " authority ", in the third place where it occurs, there shall be substituted the words " reasonable fee as they ".

*Mental Health Act 1959 (c. 72)*

- 6 In section 128(1)(b) of the Mental Health Act 1959 (sexual intercourse with patients) for the words from " home " to the end of the subsection there shall be substituted the words " care home within the meaning of Part I of Schedule 4 to the Health and Social Services and Social Security Adjudications Act 1983 ".

*Public Bodies (Admission to Meetings) Act 1960 (c. 67)*

- 7 The following sub-paragraph shall be inserted after sub-paragraph (f) of paragraph 1 of the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which the Act applies)—
- “(g) Family Practitioner Committees, but only in so far as regards the exercise of their executive functions ;”.

*Social Work (Scotland) Act 1968 (c. 49)*

- 8 In section 10 of the Social Work (Scotland) Act 1968 (financial assistance to voluntary organisations), in subsection (5)—
- (a) the word " section" shall be substituted for the words " sections 64 and "; and
  - (b) after the word " 1968 " there shall be inserted the words " and section 16B of the National Health Service (Scotland) Act 1978 ".

*Local Authority Social Services Act 1970 (c. 7)*

- 9 At the end of Schedule 1 to the Local Authority Social Services Act 1970 (which specifies the enactments conferring functions assigned to the social services committee of a local authority) there shall be inserted the following entry—

<p>“Health and Social Services and Social Security Adjudications Act 1983 (c. 41) Part I of Schedule 4.</p>	<p>Registration of residential care homes.”.</p>
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*Tribunals and Inquiries Act 1971 (c. 62)*

- 10 In subsection (3) of section 7 of the Tribunals and Inquiries Act 1971 (which specifies the tribunals mentioned in certain paragraphs of Schedule 1 to that Act of which the chairmen are to be selected from a panel of persons appointed by the Lord Chancellor) for the words " 30A(a) or (c) or 30B " there shall be substituted the words " or 30A(a) or (c) ".

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11 In subsection (1) of section 13 of that Act (appeals from certain tribunals) after the word " Act", there shall be inserted the words " or to proceedings before a Registered Homes Tribunal ".

12 The following paragraph shall be substituted for paragraph 4 of Schedule 1 to that Act—

“Registration of voluntary homes under Child Care Act 1980 and children's homes under Children's Homes Act 1982.	4. Registered Homes Tribunals constituted under Schedule 4 to the Health and Social Services and Social Security Adjudications Act 1983.”.
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13 The following paragraph shall be inserted after paragraph 21 of that Schedule—

“Nursing Homes and Mental Nursing Homes Registration.	21A. Registered Homes Tribunals constituted under Schedule 4 to the Health and Social Services and Social Security Adjudications Act 1983.”.
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14 The following paragraph shall be inserted after paragraph 28 of that Schedule—

“Residential Care Homes Registration.	28A. Registered Homes Tribunals constituted under Schedule 4 to the Health and Social Services and Social Security Adjudications Act 1983.”.
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15 In paragraph 30A(a) of that Schedule for the word " Local" there shall be substituted the words " Social security appeal ".

#### *Local Government Act 1972 (c. 70)*

16 In subsection (1) of section 102 of the Local Government Act 1972 (appointment of committees) after the word "above" there shall be inserted the words " or section 31 of the Child Care Act 1980 ".

#### *Guardianship Act 1973 (c. 29)*

17 In subsection (4)(d) of section 4 of the Guardianship Act 1973 (provisions as to order committing care of minor to local authority) for the word " or " there shall be substituted the word " and ".

#### *House of Commons Disqualification Act 1975 (c. 24)*

18 In Part III of Schedule I to the House of Commons Disqualification Act 1975 (disqualifying offices) there shall be inserted in the appropriate place in alphabetical order—

“A member of a panel appointed under section 7 of the Tribunals and Inquiries Act 1971 of persons to act as chairmen of Social Security Appeal Tribunals and Medical Appeal Tribunals.

The President of Social Security Appeal Tribunals and Medical Appeal Tribunals.

A regional or other full-time Chairman of Social Security Appeal Tribunals and Medical Appeal Tribunals.”.

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*Adoption Act 1976 (c. 36)*

19 In section 32(3) of the Adoption Act 1976 (meaning of " protected child ") the following paragraph shall be substituted for paragraph (b)—

“(b) he is—

- (i) suffering from mental disorder within the meaning of the Mental Health Act 1983 ; and
- (ii) resident in a residential care home, within the meaning of Part I of Schedule 4 to the Health and Social Services and Social Security Adjudications Act 1983 ;”.

*Supplementary Benefits Act 1976 (c. 71)*

20 In section 20(5) of the Supplementary Benefits Act 1976 for the words " Subsections (2) and (3)" there shall be substituted the words " Subsection (2) ".

*National Health Service Act 1977 (c. 49)*

21 So much of subsection (2) of section 100 of the National Health Service Act 1977 as requires that payments made under that section shall be in accordance with regulations made by the Secretary of State and approved by the Treasury shall cease to have effect

22 In section 128(1) of that Act (interpretation and construction) the following definition shall be inserted after the definition of " dental practitioner " —

“" disabled persons " means persons who are blind, deaf or dumb or who suffer from mental disorder of any description and other persons who are substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed ;”.

23 At the end of Schedule 8 to that Act (local social services authorities) there shall be added—

*“Research*

- 4 Without prejudice to any powers conferred on them by any other Act, a local social services authority may conduct or assist other persons in conducting research into matters relating to the functions of local social services authorities under this Schedule.”.

*National Health Service (Scotland) Act 1978 (c. 29)*

24 In section 105(7) of the National Health Service (Scotland) Act 1978 (orders, regulations and directions) for the words " or orders " there shall be substituted the words " , orders or directions ".

*Employment Protection (Consolidation) Act 1978 (c. 44)*

25 In paragraph 1 of Schedule 5 to the Employment Protection (Consolidation) Act 1978 (National Health Service employers), for the words " Area Health Authority, District Health Authority," there shall be substituted the words " District Health Authority, preserved Board (within the meaning of section 15(6) of the National Health Service Reorganisation Act 1973), ".

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*Foster Children Act 1980 (c. 6)*

- 26 In subsection (5) of section 2 of the Foster Children Act 1980 (exceptions to meaning of foster child for purposes of Act) for the words from " home " to the end of the section there shall be substituted the words " care home within the meaning of Part I of Schedule 4 to the Health and Social Services and Social Security Adjudications Act 1983 ".

*Reserve Forces Act 1980 (c. 9)*

- 27 The following paragraph shall be substituted for paragraph 2 of Schedule 2 to the Reserve Forces Act 1980 (army and air force pensioners and other former soldiers not liable to be recalled for service)—
- “2 A person who is receiving treatment for mental disorder as an in-patient in any establishment in the United Kingdom and is under the supervision of a registered medical practitioner.”.

*Overseas Development and Co-operation Act 1980 (c. 63)*

- 28 The words " for an area or district " shall be omitted from Part II of Schedule 1 to the Overseas Development and Co-operation Act 1980 (bodies constituted under the National Health Service Act 1977).

**PART II**

**MEALS AND RECREATION FOR OLD PEOPLE**

- 1 A district council shall have power to make such arrangements as they may from time to time determine for providing meals and recreation for old people in their homes or elsewhere and may employ as their agent for the purpose of this paragraph any voluntary organisation whose activities consist in or include the provision of meals or recreation for old people.
- 2 A district council may assist any such organisation as is referred to in paragraph 1 above to provide meals or recreation for old people—
- (a) by contributing to the funds of the organisation ;
  - (b) by permitting them to use premises belonging to the council on such terms as may be agreed ; and
  - (c) by making available furniture, vehicles or equipment (whether by way of gift or loan or otherwise) and the services of any staff who are employed by the council in connection with the premises or other things which they permit the organisation to use.
- 3 (1) District councils shall exercise their functions under this Part of this Schedule (including any discretion conferred on them under it) in accordance with the provisions of any regulations of the Secretary of State made for the purposes of this paragraph; and without prejudice to the generality of this paragraph, regulations under this paragraph—
- (a) may provide for conferring on officers of the Secretary of State authorised under the regulations such powers of inspection as may be prescribed in relation to the exercise of functions under this Part of this Schedule by or by arrangement with or on behalf of district councils ; and

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(b) may make provision with respect to the qualifications of officers employed by district councils for the purposes of this Part of this Schedule or by voluntary organisations acting under arrangements with or on behalf of district councils for those purposes.

(2) The power to make regulations under this paragraph shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament

4 In this Part of this Schedule—

" functions " includes powers and duties; and

" voluntary organisation " means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.