***Changes to legislation:** Health And Social Services And Social Security Adjudications Act 1983 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

[F1]SCHEDULE 1 U.K.

Section 6.

ACCESS TO CHILDREN IN CARE—ENGLAND AND WALES

Textual Amendments

F1 Sch. 1 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

PART I U.K.

ADDITION OF PART IA TO CHILD CARE ACT 1980

[F2]1 . . . . . .

Textual Amendments

F2 Sch. 1 para. 1 repealed (E.W.)(14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

PART II U.K.

OTHER AMENDMENTS

[F3]2 . . . . . .

Textual Amendments

F3 Sch. 1 para. 2 repealed (E.W.)(14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

3 . . . . . [F4]

Textual Amendments

F4 Sch. 1 para. 3 repealed by Legal Aid Act 1988 (c. 34, SIF 77:1), s. 45, **Sch. 6**

[[F5]4 The following subparagraph shall be added at the end of section 103(1)*(a)* of the [M1]Children Act 1975—

"(iv) section 12F of the Child Care Act 1980;".]

Changes to legislation: *Health And Social Services And Social Security Adjudications Act 1983 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F5 Sch. 1 para. 4 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15** (with s. 108(6), Sch. 14 paras.s 1(1), 27(4))); S.I. 1991/828, **art. 3(2)**

Marginal Citations

M1 1975 c. 72.

SCHEDULE 2 U.K.

Section 9.

MISCELLANEOUS AMENDMENTS RELATING TO CHILDREN AND YOUNG PERSONS

Adoption Act 1958 (c. 5.)

1 The repeals—

(a) of section 33 of the Adoption Act 1958 (inspection of books of registered adoption societies) by the [M2]Adoption Act1976 and by the [M3]Adoption (Scotland) Act 1978; and

(b) of sections 34(4) and (5) and 34A(6A) and (6B) of that Act by the Adoption (Scotland) Act 1978,

are hereby brought into force.

Marginal Citations

M2 1976 c. 36.

M3 1978 c. 28.

[[F6] Children Act 1958 (c.65.)

Textual Amendments

F6 Sch. 2 para. 2 repealed (S.) by Foster Children (Scotland) Act 1984 (c. 56, SIF 20), s. 22(3), **Sch. 3**

2 In section 7 of the Children Act 1958 (removal of foster children kept in unsuitable surroundings) for subsection (4) there shall be substituted the following subsection.

"(4) A local authority may receive into their care under section fifteen of the Social Work (Scotland) Act 1968 (duty of local authority to provide for orphans, deserted children, etc), any child removed under this section, whether or not the circumstances of the child are such that they fall within paragraphs (a) to (c) of subsection (1) of the said section 15 and notwithstanding that he may appear to the local authority to be over the age of seventeen.".**]**

[[F7] Mental Health Act 1959 (c. 72.)]

. . . . . .

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Textual Amendments

F7 Sch. 2 paras. 3, 9–14, 20 repealed (E.W.)(14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

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

[F8 4 In subsection (3A) of section 15 of the Social Work (Scotland) Act 1968 (duty of local authority to provide for orphans, deserted children, etc.)—

(a) for the words "notwithstanding that no" there shall be substituted the words "whether or not a"; and

(b) for paragraph (b) there shall be substituted the following paragraph—

"(b) by a parent or guardian of the child in relation to whom no resolution under section 16 of this Act is in effect with respect to the child and who has given the local authority not less than 28 days' notice in writing of his intention to do it."].

Textual Amendments

F8 Sch. 2 paras. 4-6, 8 repealed (S.) (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 32, **Sch. 5** (with Sch. 3 paras. 4, 6); S.I. 1996/3201, **art. 3(7)** (as substituted (7.3.1997) by S.I. 1997/744, **art. 2**)

[F9 5 In section 20 of that Act (duty of local authority to further the best interests of a child in their care)—

(a) in subsection (1), for the words ", the local authority" there shall be substituted the words "or of a voluntary organisation, they";

(b) in subsection (2), for the words "a local authority" there shall be substituted the word "they", and after the words "the local authority", there shall be inserted the words "or voluntary organisation"; and

(c) in subsection (3), after the word "authority", there shall be inserted the words "or voluntary organisation", and for the words "section 17(3)" there be substituted the words "sections 17(3), 17(3A)".]

Textual Amendments

F9 Sch. 2 paras. 4-6, 8 repealed (S.) (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 32, **Sch. 5** (with Sch. 3 paras. 4, 6); S.I. 1996/3201, **art. 3(7)** (as substituted (7.3.1997) by S.I. 1997/744, **art. 2**)

[F10 6 In subsection (2) of section 23 of that Act (power of Secretary of State to consent to emigration of child in care of local authority in certain circumstances) for the words "or relative" there shall be substituted the words "relative or friend".]

Textual Amendments

F10 Sch. 2 paras. 4-6, 8 repealed (S.) (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 32, **Sch. 5** (with Sch. 3 paras. 4, 6); S.I. 1996/3201, **art. 3(7)** (as substituted (7.3.1997) by S.I. 1997/744, **art. 2**)

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7 In subsection (1) of section 31 of that Act (restriction on prosecution of children for offences) after the word "child" on each occurrence there shall be inserted the words "under the age of sixteen years".

[F11 8 In section 42 of that Act (application from reporter to sheriff for findings)—

(a) in subsection (6) at the beginning there shall be inserted the words "Subject to subsection (6A) of this section,";

(b) after subsection (6) there shall be inserted the following subsection—

"(6A) Notwithstanding the provisions of subsection (2)(c) of this section, where, in the course of the proceedings before the sheriff, the child and his parent accept any of the grounds in respect of which the application has been made, the sheriff may dispense with the hearing of evidence relating to that ground unless he is satisfied that in all the circumstances such evidence should be heard, and deem that ground to have been established for the purposes of this section."; and

(c) in subsection (7) at the end there shall be added the words—

"except that where any of the grounds for the referral are accepted by the child's parent, whether or not accepted by the child, then, notwithstanding subsection (6A) of this section, the sheriff may dispense with the hearing of evidence relating to that ground if he is satisfied that in all the circumstances it would be reasonable to do so."]

Textual Amendments

F11 Sch. 2 paras. 4-6, 8 repealed (S.) (1.4.1997) by 1995 c. 36, s. 105(4)(5), Sch. 4 para. 32, **Sch. 5** (with Sch. 3 paras. 4, 6); S.I. 1996/3201, **art. 3(7)** (as substituted (7.3.1997) by S.I. 1997/744, **art. 2**)

F12 Family Law Reform Act 1969 (c. 46.)

Textual Amendments

F12 Sch. 2 paras. 3, 9–14, 20 (E.W.)repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F13 9 . . . . . .

Textual Amendments

F13 Sch. 2 paras. 3, 9-14, 20 repealed (E.W.)(14.10.1991)by Children Act 1989 (c. 41, SIF 20), s. 208(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Children and Young Persons Act 1969 (c. 54.)

F14 10 . . . . . .

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Textual Amendments

F14 Sch. 2 paras. 3, 9-14, 20 repealed (E.W.)(14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F15 11 . . . . . .

Textual Amendments

F15 Sch. 2 paras. 3, 9-14, 20 repealed (E.W.)(14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F16 12 . . . . . .

Textual Amendments

F16 Sch. 2 paras. 3, 9-14, 20 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F17 13 . . . . . .

Textual Amendments

F17 Sch. 2 paras. 3, 9-14, 20 repealed (E.W.)(14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F18 14 . . . . . .

Textual Amendments

F18 Sch. 1 paras. 3, 9-14, 20 repealed (E.W.)(14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

15 In section 25 of that Act (transfers of children in care between England or Wales and Northern Ireland)—

F19 (a) . . . . . .

F20 (b) . . . . . .

Textual Amendments

F19 Sch. 2 para. 15(a) repealed (4.11.1996) by S.I. 1995/756, art. 15, **Sch.**; S.R. 1999/297, **art. 3**

F20 Sch. 2 para. 15(b) repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 28 Pt. 1** (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(x)

F21 16 . . . . . .

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Textual Amendments

F21 Sch. 2 para. 16 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 28 Pt. 1** (with Sch. 27 paras. 15); S.I. 2009/3074, art. 2(u)(x)

17 Section 46 of that Act (discontinuance of approved schools etc. on establishment of community homes) and Schedule 3 to that Act (which relates to such schools and to other institutions) shall have effect as if—

(a) any reference to a regional plan approved by the Secretary of State included a reference to a home being designated as a community home under section 31 of the [M4]Child Care Act 1980; and

(b) any reference to a planning area included a reference to the area of a local authority.

Marginal Citations

M4 1980 c. 5.

18 In section 65(3) of that Act (grants to voluntary organisations etc.) for the words from "such" to "institution" there shall be substituted the words "part of the premises occupied by the institution forms part of a controlled or assisted community home.".

19 In section 73 of that Act (citation, commencement and extent) in subsection (6) (by virtue of which section 32(1) and (4), among other provisions, extend to the Channel Islands) after the words "32(1)" there shall be inserted the word ",(1A)"

[F22]Matrimonial Causes Act 1973 (c. 18.)

Textual Amendments

F22 Sch. 2 paras. 3, 9–14, 20 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **s. 108**((7), Sch. 15 (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F23]20 . . . . . .

Textual Amendments

F23 Sch. 2 paras. 3, 9-14, 20 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F24] Powers of Criminal Courts Act 1973 (c. 62.)

Textual Amendments

F24 Sch. 2 paras. 21–24, 27, 28 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F25]21 . . . . . .

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Textual Amendments

F25 Sch. 2 paras. 21-24, 27, 28 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Children Act 1975 (c. 72.)

[F26 22 In section 4(1) of the Children Act 1975 (approval of adoption societies) for the word "desiring" there shall be substituted—

(a) in the first place where it occurs, the words "which is a voluntary organisation and desires"; and

(b) in the second place where it occurs, the word "desires".]

Textual Amendments

F26 Sch. 2 paras. 21-24, 27, 28 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F27 23 . . . . . .

Textual Amendments

F27 Sch. 2 paras. 21-24, 27, 28 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F28 24 . . . . . .

Textual Amendments

F28 Sch. 2 paras. 21-24, 27, 28 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

25 In section 51 of that Act (restriction on removal of child where applicant has provided home for three years), for the word "custody"—

(a) where it secondly occurs in subsection (1); and

(b) in subsection (2),

there shall be substituted the words "care and possession".

26 In section 52 of that Act (return of child taken away in breach of section 51) for the word "custody", except where it first occurs, there shall be substituted the words "care and possession".

F29 27 . . . . . .

Textual Amendments

F29 Sch. 2 paras. 21–24, 27, 28 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F30 28 In section 103 of that Act (guardians ad litem etc.)—

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(a) in subsection (1), for the words "a panel" there shall be substituted the words "one or more panels"; and

(b) the following subsection shall be substituted for subsection (2)—

"(2) Regulations under subsection (1) may provide—

(a) for the defrayment by local authorities of expenses incurred by members of a panel established by virtue of that subsection; and

(b) for the payment by local authorities of fees and allowances for members of such a panel."**]**

Textual Amendments

F30 Sch. 2 paras. 21-24, 27, 28 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Adoption Act 1976 (c. 36.)

[F31]29 . . . . . .

Textual Amendments

F31 Sch. 2 paras. 29-33 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 5** (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

[F31]30 . . . . . .

Textual Amendments

F31 Sch. 2 paras. 29-33 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 5** (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

[F31]31 . . . . . .

Textual Amendments

F31 Sch. 2 paras. 29-33 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 5** (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

[F31]32 . . . . . .

Textual Amendments

F31 Sch. 2 paras. 29-33 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 5** (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

[F31]33 . . . . . .

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Textual Amendments

F31 Sch. 2 paras. 29-33 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 5** (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

[F32]34 . . . . . .

Textual Amendments

F32 Sch. 2 paras. 34, 37, 46–49, Sch. 4 Pt. II paras. 38–43, Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F33]35 . . . . . .

Textual Amendments

F33 Sch. 2 para. 35 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 5** (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

[F34]36 . . . . . .

Textual Amendments

F34 Sch. 2 para. 36 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 5** (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

[F35]37 . . . . . .

Textual Amendments

F35 Sch. 2 paras. 34, 37, 46–49, 51-59, Sch. 4 Pt. II paras. 38–43, Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Adoption (Scotland) Act 1978 (c. 28.)

[F36]38 . . . . . .

Textual Amendments

F36 Sch. 2 paras. 38-45 repealed (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **Sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and repealed (E.W.S.) (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

[F36]39 . . . . . .

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Textual Amendments

F36 Sch. 2 paras. 38-45 repealed (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **Sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and repealed (E.W.S.) (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

[F36]40 . . . . . .

Textual Amendments

F36 Sch. 2 paras. 38-45 repealed (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **Sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and repealed (E.W.S.) (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

[F36]41 . . . . . .

Textual Amendments

F36 Sch. 2 paras. 38-45 repealed (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **Sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and repealed (E.W.S.) (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

[F36]42 . . . . . .

Textual Amendments

F36 Sch. 2 paras. 38-45 repealed (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **Sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and repealed (E.W.S.) (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

[F36]43 . . . . . .

Textual Amendments

F36 Sch. 2 paras. 38-45 repealed (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **Sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and repealed (E.W.S.) (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

[F36]44 . . . . . .

Textual Amendments

F36 Sch. 2 paras. 38-45 repealed (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **Sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I.

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2012/99, art. 2); and repealed (E.W.S.) (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

[F36]45 . . . . . .

Textual Amendments

F36 Sch. 2 paras. 38-45 repealed (S.) (28.9.2009) by Adoption and Children (Scotland) Act 2007 (asp 4), s. 121(2), **Sch. 3**; S.S.I. 2009/267, arts. 1(2), 2 (with arts. 3-21) (as amended (7.5.2012) by S.S.I. 2012/99, art. 2); and repealed (E.W.S.) (15.7.2011) by The Adoption and Children (Scotland) Act 2007 (Consequential Modifications) Order 2011 (S.I. 2011/1740), art. 1(2), **Sch. 2 Pt. 3**

[F37]*Child Care Act 1980 (c. 5.)*

Textual Amendments

F37 Sch. 2 paras. 34, 37, 46–49, 51-59, Sch. 4 Pt. II paras. 38–43, Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F38]46 . . . . . .

Textual Amendments

F38 Sch. 2 paras. 34, 37, 46-49, 51-59, Sch. 4 Pt. II paras. 38-43. Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 2), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F39]47 . . . . . .

Textual Amendments

F39 Sch. 2 paras. 34, 37, 46-49, 51-59, Sch. 4 Pt. II paras. 38-43. Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 2), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F40]48 . . . . . .

Textual Amendments

F40 Sch. 2 paras. 34, 37, 46-49, 51-59, Sch. 4 Pt. II paras. 38-43. Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 2), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F41]49 . . . . . .

Changes to legislation: *Health And Social Services And Social Security Adjudications Act 1983 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F41 Sch. 2 paras. 34, 37, 46-49, 51-59, Sch. 4 Pt. II paras. 38-43. Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 2), s. 108(7), **Sch.15** (with s. 108(6), Sch. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F42 50 . . . . . .

Textual Amendments

F42 Sch. 2 paras. 50, 60–62, Sch. 4 Pt. II paras. 45–48 and Sch. 9 para. 5 repealed (E.W.)(14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F43 51 . . . . . .

Textual Amendments

F43 Sch. 2 paras. 34, 37, 46–49, 51–59, Sch. 4 Pt. II paras. 38–43, Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **s. 108**((7), Sch.15 (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F44 52 . . . . . .

Textual Amendments

F44 Sch. 2 paras. 34, 37, 46-49, 51-59. Sch. 4 Pt. II paras. 38-48. Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 2), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F45 53 . . . . . .

Textual Amendments

F45 Sch. 2 paras. 34, 37, 46-49, 51-59, Sch. 4 Pt. II paras. 38-43. Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 2), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F46 54 . . . . . .

Textual Amendments

F46 Sch. 2 paras. 34, 37, 46-49, 51-59, Sch. 4 Pt. II paras. 38-43. Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 2), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F47 55 . . . . . .

***Changes to legislation:** Health And Social Services And Social Security Adjudications Act 1983 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F47 Sch. 2 paras. 34, 37, 46-49, 51-59, Sch. 4 Pt. II paras. 38-43. Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 2), s. 108(7), **Sch.15** (with s.108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F48]56 . . . . . .

Textual Amendments

F48 Sch. 2 paras. 34, 37, 46-49, 51-59, Sch. 4 Pt. II paras. 38-43. Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 2), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F49]57 . . . . . .

Textual Amendments

F49 Sch. 2 paras. 34, 37, 46-49, 51-59, Sch. 4 Pt. II paras. 38-43. Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 2), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F50]58 . . . . . .

Textual Amendments

F50 Sch. 2 paras. 34, 37, 46-49, 51-59, Sch. 4 Pt. II paras. 38-43. Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 2), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F51]59 . . . . . .

Textual Amendments

F51 Sch. 2 paras. 34, 37, 46-49, 51-59, Sch. 4 Pt. II paras. 38-43. Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 2), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F52] *Interpretation*

Textual Amendments

F52 Sch. 2 paras. 50, 60–62, Sch. 4 Pt. II paras. 45–48 and Sch. 9 para. 5 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[[F53]60 The word "actual" shall be inserted before the word "custody", wherever it occurs in—

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(a) sections 34(1) and (2) and 34A(1) and (2) of the [M5]Adoption Act 1958;

(b) sections 30(1) and (2), 41(1) and (2) and 42(1) and (2) of the [M6]Children Act 1975; and

(c) sections 27(1) and (2), 28(1) and (2), 29(1) and (2) and 30(1)(a) and (b) of the [M7]Adoption Act 1976.**]**

Textual Amendments

F53 Sch. 2 paras. 50, 60-62, Sch. 4 Pt. II paras. 45-48, Sch. 9 para. 5 repealed (E.W.) (14.10.1991) by Children Act 1991 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Marginal Citations

M5 1958 c. 5 (7 Eliz. 2)

M6 1975 c. 72.

M7 1976 c. 36.

[[F54]61 In section 57(2) of the Adoption Act 1958, for the words "care or possession", in both places where they occur, there shall be substituted the words "actual custody".**]**

Textual Amendments

F54 Sch. 2 paras. 50, 60-62, Sch. 4 Pt. II paras. 45-48, Sch. 9 para. 5 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F55]62 . . . . . .

Textual Amendments

F55 Sch. 2 paras. 50, 60-62, Sch. 4 Pt. II paras. 45-48. Sch. 9 para. 5 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 2), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F56F56] SCHEDULE 3 U.K.

. . . . . .

Textual Amendments

F56 Sch. 3 repealed (1.4.2002) by The Abolition of the Central Council for Education and Training in Social Work Order 2002 (S.I. 2002/797), **art. 2(a)**

***Changes to legislation:** Health And Social Services And Social Security Adjudications Act 1983 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULE 4 U.K.

Section 11.

REGISTERED HOMES

[F58 PART I E+W+S

RESIDENTIAL CARE HOMES

Textual Amendments

F58 Sch. 4 Pt. I (paras. 1–23), Pt. II paras. 24–37, 44, Pt. III (paras. 49–56), Sch. 9 paras. 4, 6, 9, 12–14 and 26 repealed (E.W.) by Registered Homes Act 1984 (c. 23, SIF 113:3), s. 57, **Sch. 3**

Requirement of registration

1 (1) Subject to the following provisions of this paragraph, registration under this Part of this Schedule is required in respect of any establishment which provides or is intended to provide, whether for reward or not, residential accommodation with both board and personal care for persons in need of personel care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.

(2) Such an establishment is referred to in this Part of this Schedule as a "residential care home".

(3) Registration under this Part of this Schedule does not affect any requirement to register under the [M8]Nursing Homes Act 1975.

(4) Registration under this Part of this Schedule is not required in respect of an establishment which provides or is intended to provide residential accommodation with both board and personal care for fewer than 4 persons, excluding persons carrying on or intending to carry on the home or employed or intended to be employed there and their relatives.

(5) Registration under this Part of this Schedule is not required in respect of any of the following—

(a) any establishment which is used, or is intended to be used, solely as a nursing home or mental nursing home as defined in sections 1 and 2 of the [M9]Nursing Homes Act 1975;

(b) any hospital as defined in section 128 of the [M10]National Health Service Act 1977 which is maintained in pursuance of an Act of Parliament;

(c) any hospital as defined in section 145(1) of the [M11]Mental Health Act 1983;

(d) any voluntary home or community home within the meaning of the [M12]Child Care Act 1980;

(e) any children's home to which the [M13]Children's Homes Act 1982 applies;

(f) subject to subparagraph (6) below, any school, as defined in section 114 of the [M14]Education Act 1944;

(g) subject to subparagraph (7) below, any establishment to which the Secretary of State has made a payment of maintenance grant under regulations made by virtue of section 100(1)(b) of the Education Act 1944;

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(h) any university or university college or college, school or hall of a university;

(i) any establishment managed or provided by a government department or local authority or by any authority or body constituted by an Act of Parliament or incorporated by Royal Charter.

(6) An independent school within the meaning of the Education Act 1944 is not excluded by subparagraph (5) above if the school provides accommodation for 50 or less children under the age of 18 years and is not for the time being approved by the Secretary of State under section 11(3)(a) of the [M15]Education Act 1981.

(7) An establishment to which the Secretary of State has made a payment of maintenance grant under regulations made by virtue of section 100(1)(b) of the Education Act 1944 is only excluded by subparagraph (5) above until the end of the period of 12 months from the date on which the Secretary of State made the payment.

Marginal Citations

M8 1975 c. 37.
M9 1975 c. 37.
M10 1977 c. 49.
M11 1983 c. 20.
M12 1980 c. 5.
M13 1982 c. 20.
M14 1944 c. 31.
M15 1981 c. 60.

General interpretation

2 (1) In this Part of this Schedule—

"disablement", in relation to persons, means that they are blind, deaf or dumb or substantially and permanently handicapped by illness, injury or congenital deformity or any other disability prescribed by the Secretary of State;

"mental disorder" means mental illness, arrested or incomplete development of mind, psychopathic disorder, and any other disorder or disability of mind;

"personal care" means care which includes assistance with bodily functions where such assistance is required;

"prescribed" means prescribed by regulations under this Part of this Schedule;

"psychopathic disorder" means a persistent disorder or disability of mind (whether or not including significant impairment of intelligence) which results in abnormally aggressive or seriously irresponsible conduct on the part of the person concerned;

"registered", except where the context otherwise requires, means registered under this Part of this Schedule and cognate expressions have a corresponding meaning;

"registration authority", in relation to a residential care home, means, subject to subparagraph (2) below, any council which for the purposes of the [M16]Local Authority Social Services Act 1970 is the local authority for the area in which the home is situated; and

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"standard scale" means the standard scale as defined in section 75 of the [M17]Criminal Justice Act 1982.

(2) The Council of the Isles of Scilly is the registration authority in relation to a residential care home in the Isles.

Marginal Citations

M16 1970 c. 42.

M17 1982 c. 48.

Meaning of "relative"

3 (1) In this Part of this Schedule

"relative" means any of the following—

(a) husband or wife;

(b) son or daughter;

(c) father or mother;

(d) brother or sister;

(e) grandparent or other ascendant;

(f) grandchild or other descendant;

(g) uncle or aunt;

(h) nephew or niece.

(2) In deducing any relationship for the purposes of subparagraph (1) above—

(a) any relationship by affinity shall be treated as a relationship by consanguinity, any relationship of the halfblood as a relationship of the whole blood, and the stepchild of any person as his child, and

(b) an illegitimate person shall be treated as the legitimate child of his mother and reputed father.

(3) In this paragraph "husband" and "wife" include a person who is living with a person carrying on or intending to carry on a residential care home as that person's husband or wife, as the case may be, and who has been so living for a period of not less than 6 months.

(4) A person, other than a relative, with whom a person carrying on or intending to carry on a residential care home ordinarily resides, and with whom that person has been ordinarily residing for a period of not less than 5 years, shall be treated for the purposes of this Part of this Schedule as if he were a relative.

Penalty for carrying on home without registration

4 If any person carries on a residential care home without being registered in respect of it, he shall be liable on summary conviction to a fine of an amount not exceeding level 5 on the standard scale.

Registration of managers etc. and persons in control

5 Where the manager or intended manager of a residential care home is not in control of it (whether as owner or otherwise) both the manager or intended manager and

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the person in control are to be treated as carrying on or intending to carry on the home and accordingly as requiring to be registered.

Optional registration

6 (1) A person who—

(a) is registered under the [M18]Nursing Homes Act 1975 in respect of any premises; and

(b) would be required to be registered in respect of them under this Part of this Schedule but for paragraph 1(4) above,

may apply to be registered under this Part of this Schedule in respect of those premises.

(2) If he does so apply, this Part of this Schedule shall have effect in relation to him as if he required to be registered under this Part of this Schedule in respect of those premises.

Marginal Citations

M18 1975 c. 37.

Registration

7 (1) An application for registration shall be made to the registration authority and shall be accompanied by a registration fee of such amount as the Secretary of State may by regulations prescribe.

(2) Subject to paragraphs 11, 14 and 15 below, on receipt of an application for registration and of the registration fee the registration authority shall register the applicant in respect of the home named in the application and issue to him a certificate of registration.

(3) It shall be a condition of the registration of any person in respect of a residential care home that the number of persons for whom residential accommodation with both board and personal care is provided in the home at any one time (excluding persons carrying on or employed at the home and their relatives) does not exceed such number as may be specified in the certificate of registration; and the registration may also be subject to such other conditions (to be specified in the certificate) as the registration authority consider appropriate for regulating the age, sex or category of persons who may be received in the home.

(4) The registration authority may from time to time—

(a) vary any condition for the time being in force in respect of a home by virtue of this Part of this Schedule; or

(b) impose an additional condition,

either on the application of a person registered in respect of it or without such an application.

(5) If any condition for the time being in force in respect of a home by virtue of this part of this Schedule is not complied with, any person registered in respect of the home shall be liable on summary conviction to a fine of an amount not exceeding level 4 on the standard scale.

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(6) The certificate of registration issued in respect of any home shall be kept affixed in a conspicuous place in the home; and if default is made in complying with this subparagraph, any person registered in respect of the home shall be liable on summary conviction to a fine of an amount notexceeding level 2 on the standard scale and to a further fine not exceeding£5 for each day on which the offence continues after conviction.

Death of only person registered in respect of home

8 Where—

(a) one person only is registered in respect of a residential care home; and

(b) that person dies,

his personal representatives or his widow or any other relative of his mayfor a period not exceeding 4 weeks from his death, or such longer period as the registration authority may sanction, carry on the home without being registered in respect of it.

Inspection of registers

9 The registers kept by a registration authority for the purpose of this Part of this Schedule shall be available for inspection at all reasonable times, and any person inspecting any such register shall be entitled to make copies of entries in the register on payment of such reasonable fee as the registration authority may determine.

Annual fee for registration

10 The Secretary of State may by regulations—

(a) require persons registered in respect of residential care homes to payan annual fee of such amount as the regulations may specify; and

(b) Specify when the fee is to be paid.

Refusal of registration

11 The registration authority may refuse to register an applicant for registration in respect of a residential care home if they are satisfied—

(a) that he or any other person concerned or intended to be concerned in carrying on the home is not a fit person to be concerned in carrying on a residential care home;

(b) that for reasons, connected with their situation, construction, state of repair, accommodation, staffing or equipment, the premises used orintended to be used for the purposes of the home, or any other premises used or intended to be used in connection with it, are not fit to be so used; or

(c) that the way in which it is intended to carry on the home is such as not to provide services or facilities reasonably required.

Cancellation of registration

12 The registration authority may cancel the registration of a person in respect of a residential care home—

(a) on any ground which would entitle them to refuse an application for his registration in respect of it;

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(b) on the ground that the annual fee in respect of the home has not been paid on or before the due date; or

(c) on the ground—

(i) that he has been convicted of an offence under this Part of this Schedule or any regulations made under it in respect of that or any other residential care home;

(ii) that any other person has been convicted of such an offence in respect of that home; or

(iii) that any condition for the time being in force in respect of the home by virtue of this Part of this Schedule has not been complied with.

Urgent procedure for cancellation of registration etc.

13 (1) If—

(a) the registration authority apply to a justice of the peace for an order—

(i) cancelling the registration of a person in respect of a residential care home;

(ii) varying any condition for the time being in force in respect of a home by virtue of this Part of this Schedule; or

(iii) imposing an additional condition; and

(b) it appears to the justice of the peace that there will be a serious risk to the life, health or wellbeing of the residents in the home unless the order is made,

he may make the order, and the cancellation, variation or imposition shall have effect from the date on which the order is made.

(2) An application under subparagraph (1) above may be made ex parte and shall be supported by a written statement of the registration authority's reasons for making the application.

(3) An order under subparagraph (1) above shall be in writing.

(4) Where such an order is made, the registration authority shall serve on any person registered in respect of the home, as soon as is practicable after the making of the order,—

(a) notice of the making of the order and of its terms; and

(b) a copy of the statement of the authority's reasons which supportedtheir application for the order.

Procedure—general

14 (1) Subject to subparagraph (2) below, where—

(a) a person applies for registration; and

(b) the registration authority propose to grant his application

the authority shall give him written notice of their proposal and of the conditions subject to which they propose to grant his application.

(2) The registration authority need not give notice of such a proposal if they propose to grant the application subject only to conditions which—

(a) the applicant specified in the application; or

(b) the authority and the applicant have subsequently agreed.

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(3) The registration authority shall give an applicant notice of a proposal to refuse his application.

(4) Except where they make an application under paragraph 13 above, the registration authority shall give any person registered in respect of a residential care home notice of a proposal—

(a) to cancel the registration;

(b) to vary any condition for the time being in force in respect of the home by virtue of this Part of this Schedule; or

(c) to impose any additional condition.

(5) A notice under this paragraph shall give the registration authority's reasons for their proposal.

Right to make representations

15 (1) A notice under paragraph 14 above shall state that within 14 days of service of the notice any person on whom it is served may in writing require the registration authority to give him an opportunity to make representations to them concerning the matter.

(2) Where a notice has been served under paragraph 14 above, the registration authority shall not determine the matter until either—

(a) any person on whom the notice was served has made representations concerning the matter; or

(b) the period during which any such person could have required them to give him an opportunity to make representations has elapsed without their being required to give such an opportunity; or

(c) the conditions specified in subparagraph (3) below are satisfied.

(3) The conditions mentioned in subparagraph (2) above are—

(a) that a person on whom the notice was served has required the registration authority to give him an opportunity to make representations to them concerning the matter;

(b) that the registration authority have allowed him a reasonable period to make his representations; and

(c) that he has failed to make them within that period.

(4) Representations may be made, at the option of the person making them, either in writing or orally.

(5) If he informs the registration authority that he desires to make oral representations, they shall give him an opportunity of appearing before and of being heard by a committee or subcommittee of the registration authority.

16 (1) If the registration authority decide to adopt the proposal, they shall serve notice in writing of their decision on any person on whom they were required to serve notice of their proposal.

(2) A notice under this paragraph shall be accompanied by a note explaining the right of appeal conferred by paragraph 17 below.

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(3) A decision of a registration authority, other than a decision to grant an application for registration subject only to such conditions as are mentioned in paragraph 14(2) above or to refuse an application for registration, shall not take effect—

(a) if no appeal is brought, until the expiration of the period of 28 days referred to in paragraph 17(3) below; and

(b) if an appeal is brought, until it is determined or abandoned.

Appeals

17 (1) An appeal against—

(a) a decision of a registration authority; or

(b) an order made by a justice of the peace under paragraph 13 above.

shall lie to a Registered Homes Tribunal.

(2) An appeal shall be brought by notice in writing given to the registration authority.

(3) No appeal against a decision or order may be brought by a person more than 28 days after service on him of notice of the decision or order.

(4) On an appeal against a decision of a registration authority the Tribunal may confirm the decision or direct that it shall not have effect.

(5) On an appeal against an order made by a justice of the peace the Tribunal may confirm the order or direct that it shall cease to have effect.

(6) A Tribunal shall also have power on an appeal against a decision or order—

(a) to vary any condition for the time being in force in respect of the home to which the appeal relates by virtue of this Part of this Schedule;

(b) to direct that any such condition shall cease to have effect; or

(c) to direct that any such condition as it thinks fit shall have effect in respect of the home.

(7) A registration authority shall comply with any direction given by a Tribunal under this paragraph.

Service of documents

18 (1) Any notice or other document required under this Part of this Schedule to be served on a person carrying on, or intending to carry on, a residential care home may be served on him by being delivered personally to him, or being sent by post to him in a registered letter or by the recorded delivery service.

(2) For the purposes of section 7 of the [M19]Interpretation Act 1978 (which defines "service by post") a letter to a person carrying on a residential care home enclosing a notice or other document under this Part of this Schedule shall be deemed to be properly addressed if it is addressed to him at the home.

(3) Any such notice or other document required to be served on a body corporate or a firm shall be duly served if it is served on the secretary or clerk of that body or a partner of that firm.

(4) For the purposes of this section, and of section 7 of the Interpretation Act 1978 in its application to this section, without prejudice to subsection (2) above the proper address of a person, in the case of a secretary or clerk of a body corporate, shall be

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that of the registered or principal office of that body, in the case of a partner of a firm shall be that of the principal office of the firm and in any other case shall the the last known address of the person to be served.

Marginal Citations

M19 1978 c. 30.

Conduct of residential care homes

19 (1) The Secretary of State may make regulations as to the conduct of residential care homes, and in particular—

(a) as to the facilities and services to be provided in such homes;

(b) as to the numbers and qualifications of staff to be employed in such homes;

(c) as to the numbers of suitably qualified and competent staff to be on duty in such homes;

(d) as to the records to be kept and notices to be given in respect of persons received into such homes;

(e) as to the notification of events occurring in such homes;

(f) as to the giving of notice by a person of a description specified in the regulations of periods during which any person of a description so specified proposes to be absent from a home;

(g) as to the information to be supplied in such a notice;

(h) making provision for children under the age of 18 years who are resident in such homes to receive a religious upbringing appropriate to the religious persuasion to which they belong;

(j) as to the form of registers to be kept by registration authorities for the purposes of this Part of this Schedule and the particulars to be contained in them; and

(k) as to the information to be supplied on an application for registration.

(2) Regulations under this paragraph may provide that a contravention of or failure to comply with any specified provision of the regulations shall be an offence against the regulations; and any person guilty of an offence against the regulations shall be liable on summary conviction to a fine of an amount not exceeding level 4 on the standard scale.

Inspection of homes

20 (1) Any person authorised in that behalf by the Secretary of State may at all times enter and inspect any premises which are used, or which that person has reasonable cause to believe to be used for the purposes of a residential care home.

(2) Any person authorised in that behalf by a registration authority may at all times enter and inspect any premises in the area of the authority which are used, or which that person has reasonable cause to believe to be used, for those purposes.

(3) The powers of inspection conferred by subparagraphs (1) and (2) above shall include power to inspect any records required to be kept in accordance with regulations under this Schedule.

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(4) The Secretary of State may by regulations require that residential care homes shall be inspected on such occasions or at such intervals as the regulations may prescribe.

(5) A person who proposes to exercise any power of entry or inspection conferred by this paragraph shall if so required produce some duly authenticated document showing his authority to exercise the power.

(6) Any person who obstructs the exercise of any such power shall be liable on summary conviction to a fine of an amount not exceeding level 4 on the standard scale.

Prosecutions etc.

21 Where an offence under this Part of this Schedule or any regulations under it committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

22 (1) In any proceedings for an offence under this Part of this Schedule, subject to subparagraph (2) below, it shall be a defence for the person charged to prove—

(a) that the commission of the offence was due to a mistake or to reliance on information supplied to him or to the act or default of another person, an accident or some other cause beyond his control; and

(b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

(8) If in any such case the defence provided by subparagraph (1) above involves the allegation that the commission of the offence was due to the act or default of another person or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

Regulations

23 (1) Any power of the Secretary of State to make regulations under this Part of this Schedule shall be exercisable by statutory instrument; and any statutory instrument containing regulations under this Part of this Schedule shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) Any such power may be exercised—

(a) either in relation to all cases to which the power extends or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and

(b) so as to make, as respects the cases in relation to which the power is exercised—

(i) the same provision for all cases in relation to which it is exercised, or different provision for different cases or different classes of case

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or different provision as respects the same class or classes of case for different purposes;

(ii) any such provision either unconditionally or subject to any specified condition;

and includes power to make such incidental or supplemental provision in the regulations as the Secretary of State considers appropriate.**]**

PART II U.K.

AMENDMENTS OF ACTS RELATING TO REGISTERED HOMES

[F59 Nursing Homes Act 1975

Textual Amendments

F59 Sch. 4 Pt. I (paras. 1–23), Pt. II paras. 24–37, 44, Pt. III (paras. 49–56), Sch. 9 paras. 4, 6, 9, 12–14 and 26 repealed (E.W.) by Registered Homes Act 1984 (c. 23, SIF 113:3), s. 57, **Sch. 3**

24 In section 1 of the [M20]Nursing Homes Act 1975—

(a) the following subparagraph shall be added at the end of paragraph (c) of subsection (1)—

"(v) treatment by specially controlled techniques.";

(b) the following subsection shall be added after that subsection—

"(1A) In subsection (1) above "specially controlled techniques" means techniques specified under subsection (3) below as subject to control for the purposes of this Act.";

(a) at the end of paragraph (e) of subsection (2) there shall be added (but not as part of subparagraph (iii), the words "unless they are used or intended to be used for the provision of treatment by specially controlled techniques and are not excepted by regulations under paragraph (g) below"; and

(b) the following subsections shall be added after that subsection—

"(3) The Secretary of State may by regulations specify as subject to control for the purposes of this Act any technique of medicine or surgery (including cosmetic surgery) as to which he is satisfied that its use may create a hazard for persons treated by means of it or for the staff of any premises where the technique is used.

(4) Without prejudice to the generality of section 19 below regulations under subsection (3) may define a technique by reference to any criteria which the Secretary of State considers appropriate.

(5) In this section "treatment" includes diagnosis and "treated" shall be construed accordingly.".

Marginal Citations

M20 1975 c. 37.

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25 The following subsection shall be inserted after subsection (1) of section 3 of that Act—

"(1A) Registration under this Act does not affect any requirement to register under Part I of Schedule 4 to the Health and Social Services and Social Security Adjudications Act 1983 (registration of residential care homes).".

26 The following section shall be inserted after that section—

" **Prohibition of holding out premises as nursing home, maternity home or mental nursing home.**

(1) A person who, with intent to deceive any person,—

(a) applies any name to premises in England or Wales; or

(b) in any way so describes such premises or holds such premises out,

as to indicate, or reasonably be understood to indicate, that the premises are a nursing home or maternity home, shall be guilty of an offence, unless registration has been effected under this Act in respect of the premises as such a home.

(2) A person who, with intent to deceive any person,—

(a) applies any name to premises in England or Wales; or

(b) in any way so describes such premises or holds such premises out,

as to indicate, or reasonably be understood to indicate, that the premises are a mental nursing home, shall be guilty of an offence, unless registration has been effected under this Act in respect of the premises as such a home.".

27 The following paragraphs shall be inserted after section 5(1)(a) of that Act—

"(aa) make provision as to the giving of notice by a person registered in respect of such a home of periods during which he or, if he is not in charge of the home, the person who is in charge of it, proposes to be absent from the home;

(ab) specify the information to be supplied in such a notice;

(ac) provide for the making of adequate arrangements for the running of such a home during a period when the person in charge of it is absent from it;".

28 The following paragraphs shall be inserted after section 6(c) of that Act—

"(ca) requiring persons registered under this Act to pay an annual fee of such amount as the regulations may specify;

(cb) specifying when the fee is to be paid;".

29 In paragraph (c) of section 7 of that Act for the words "imposed by section 8(1) and (2) below" there shall be substituted the words "for the time being in force in respect of the home by virtue of this Act".

30 The following paragraph shall be inserted after paragraph (d) of that section—

"(e) on the ground that the annual fee in respect of the home has not been paid on or before the due date.".

31 (1) The following subsection shall be substituted for subsection (2A) of section 8 of that Act—

"(2A) The Secretary of State may make regulations—

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(a) as to the variation of any condition for the time being in force in respect of a nursing home or mental nursing home by virtue of this Act; and

(b) as to the imposition of additional conditions.”.

(2) In subsection (3) of that section, for the words “imposed by or under subsection (1) or (2) above” there shall be substituted the words “for the time being in force in respect of a home by virtue of this Act”.

32 The following sections shall be inserted after that section—

“ **Urgent procedure for cancellation of registration etc.**

(1) If—

(a) the Secretary of State applies to a justice of the peace for an order—

(i) cancelling the registration of a person in respect of a nursing home or mental nursing home;

(ii) varying any condition for the time being in force in respect of a home by virtue of this Act; or

(iii) imposing an additional condition; and

(b) it appears to the justice of the peace that there will be a serious risk to the life, health or wellbeing of the patients in the home unless the order is made.

he may make the order, and the cancellation, variation or imposition shall have effect from the date on which the order is made.

(2) An application under subsection (1) above may be made ex parte and shall be supported by a written statement of the Secretary of State’s reasons for making the application.

(3) An order under subsection (1) above shall be in writing.

(4) Where such an order is made, the Secretary of State shall serve on any person registered in respect of the home, as soon as practicable after the making of the order,—

(a) notice of the making of the order and of its terms; and

(b) a copy of the statement of the Secretary of State’s reasons which supported his application for the order.

Ordinary procedure.

(1) Where—

(a) a person applies for registration in respect of a nursing home or mental nursing home; and

(b) the Secretary of State proposes to grant his application,

the Secretary of State shall give him written notice of his proposal and of the conditions subject to which he proposes to grant his application.

(2) The Secretary of State shall give an applicant notice of a proposal to refuse his application.

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(3) Except where he makes an application under section 8A above, the Secretary of State shall give any person registered in respect of a nursing home or mental nursing home notice of a proposal—
   (a) to cancel the registration;
   (b) to vary any condition for the time being in force in respect of the home by virtue of this Act; or
   (c) to impose any additional condition.

(4) A notice under this section shall give the Secretary of State's reasons for his proposal.

Right to make representations.

(1) A notice under section 8B above shall state that within 14 days of service of the notice any person on whom it is served may in writing require the Secretary of State to give him an opportunity to make representations to him concerning any matter which that person wishes to dispute.

(2) Where a notice has been served under section 8B above, the Secretary of State shall not determine any matter in dispute until either—
   (a) any person on whom the notice was served has made representations to him concerning the matter; or
   (b) the period during which any such person could have required the Secretary of State to give him an opportunity to make representations has elapsed without the Secretary of State being required to give such an opportunity; or
   (c) the conditions specified in subsection (3) below are satisfied.

(3) The conditions mentioned in subsection (2) above are—
   (a) that a person on whom the notice was served has required the Secretary of State to give him an opportunity to make representations to him concerning the matter;
   (b) that the Secretary of State has allowed him a reasonable period to make his representations; and
   (c) that he has failed to make them within that period.

(4) the representations may be made, at the option of the person making them, either in writing or orally.

(5) If he informs the Secretary of State that he desires to make oral representations, the Secretary of State shall give him an opportunity of appearing before and of being heard by a person appointed by the Secretary of State.

Decision of Secretary of State.

(1) If the Secretary of State decides to adopt the proposal, he shall serve notice in writing of his decision on any person on whom he was required to serve notice of the proposal.

(2) A notice under this section shall be accompanied by a note explaining the right of appeal conferred by section 8E below.

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(3) A decision of the Secretary of State, other than a decision to grant an application for registration subject only to conditions agreed between the applicant and the Secretary of State or to refuse an application for registration, shall not take effect—
  (a) if no appeal is brought, until the expiration of the period of 28 days referred to in section 8E(3) below; and
  (b) if an appeal is brought, until it is determined or abandoned.

Appeals.

(1) An appeal against—
  (a) a decision of the Secretary of State under this Act; or
  (b) an order made by a justice of the peace under section 8A above,

shall lie to a Registered Homes Tribunal.

(2) An appeal shall be brought by notice in writing given to the Secretary of State.

(3) No appeal against a decision or order may be brought by a person more than 28 days after service on him of notice of the decision or order.

(4) On an appeal against a decision of the Secretary of State the Tribunal may confirm the decision or direct that it shall not have effect.

(5) On an appeal against an order made by a justice of the peace the Tribunal may confirm the order or direct that it shall cease to have effect.

(6) A Tribunal shall also have power on an appeal against a decision or order—
  (a) to vary any condition for the time being in force in respect of the home to which the appeal relates by virtue of this Act;
  (b) to direct that any such condition shall cease to have effect; or
  (c) to direct that any such condition as it thinks fit shall have effect in respect of the home.

(7) The Secretary of State shall comply with any directions of a Tribunal given under this section.”.

33 The following section shall be inserted after section 10 of that Act—

“ **Service of documents.**

(1) Any notice or other document required under this Act to be served on a person carrying on, or intending to carry on, a nursing home or mental nursing home may be served on him by being delivered personally to him, or being sent by post to him in a registered letter or by the recorded delivery service.

(2) For the purposes of section 7 of the Interpretation Act 1978 (which defines “service by post”) a letter to a person carrying on a nursing home or mental nursing home enclosing a notice or other document under this Act shall be deemed to be properly addressed if it is addressed to him at the home.

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(3) Any such notice or other document required to be served on a body corporate or a firm shall be duly served if it is served on the secretary or clerk of that body or a partner of that firm.

(4) For the purposes of this section, and of section 7 of the Interpretation Act 1978 in its application to this section, without prejudice to subsection (2) above the proper address of a person, in the case of a secretary or clerk of a body corporate, shall be that of the registered or principal office of that body, in the case of a partner of a firm shall be that of the principal office of the firm, and in any other case shall be the last known address of the person to be served.".

34 (1) The following paragraph shall be substituted for subsection (1)(a) of section 13 of that Act (fines for failure to affix certificate of registration)—

"(a) to a fine of an amount not exceeding level 2 on the standard scale as defined in section 75 of the Criminal Justice Act 1982; and".

(2) "£5" shall be substituted for "£2" in subsection (1)(b).

35 The following section shall be inserted after that section—

" **Contravention of section 3A.**

A person guilty of an offence under section 3A above shall be liable on summary conviction to a fine of an amount not exceeding level 3 on the standard scale as defined in section 75 of the Criminal Justice Act 1982.".

36 The following section shall be substituted for section 17 of that Act—

" **Bodies corporate and their officers.**

Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.".

37 In section 23(2) of that Act for the words "the provisions of this Act relating to mental nursing homes" there shall be substituted the words "this Act".**]**

[F60] *Child Care Act 1980*

Textual Amendments

F60 Sch. 2 paras. 34, 37, 46–49, 51–59, Sch. 4 Pt. II paras. 38–43, Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch.14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F61]38 . . . . . .

***Changes to legislation:** Health And Social Services And Social Security Adjudications Act 1983 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F61 Sch. 2 paras. 34, 37, 46-49, 51-59 Sch. 4 Pt. II paras. 38-43. Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F62 39 . . . . . .

Textual Amendments

F62 Sch. 2 paras. 34, 37, 46-49, 51-59, Sch. 4 Pt. II paras. 38-43. Sch. 9 paras. 16 and 17 repealed (E.W.) ((14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), Sch.15 (with s. 108(6), Sch. 14 para. 1(1), **27(4)**); S.I. 1991/828, **art. 3(2)**

F63 40 . . . . . .

Textual Amendments

F63 Sch. 2 paras. 34, 37, 46-49, 51-59, Sch. 4 Pt. II paras. 38-43. Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 2), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F64 41 . . . . . .

Textual Amendments

F64 Sch. 2 paras. 34, 37, 46-49, 51-59 Sch. 4, Pt. II paras. 38-43. Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 2), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F65 42 . . . . . .

Textual Amendments

F65 Sch. 2 paras. 34, 37, 46-49, 51-59, Sch. 4 Pt. II paras. 38-43. Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 2), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F66 43 . . . . . .

Textual Amendments

F66 Sch. 2 paras. 34, 37, 46-49, 51-59, Sch. 4 Pt. II paras. 38-43, Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Children's Homes Act 1982

F67 44 . . . . . .

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Textual Amendments

F67 Sch. 4 para. 44 repealed (E.W.) by Registered Homes Act 1984 (c. 23, SIF 113:3), s. 57, **Sch. 3** and expressed to be repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F68]45 . . . . . .

Textual Amendments

F68 Sch. 2 paras. 50, 60–62, Sch. 4 Pt. II paras. 45–48 and Sch. 9 para. 5 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F69]46 . . . . . .

Textual Amendments

F69 Sch. 2 paras. 50, 60-62, Sch. 4 Pt. II paras. 45-48 and Sch. 9 para. 5 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **s. 108**)(7), Sch.15 (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F70]47 . . . . . .

Textual Amendments

F70 Sch. 2 paras. 50, 60-62, Sch. 4 Pt. II paras. 45-48 and Sch. 9 para. 5 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F71]48 . . . . . .

Textual Amendments

F71 Sch. 2 paras. 50, 60-62, Sch. 4 Pt. II paras. 45-48 and Sch. 9 para. 5 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

PART III E+W+S

[[F72] REGISTERED HOMES TRIBUNALS

Textual Amendments

F72 Sch. 4 Pt. I (paras. 1–23), Pt. II paras. 24–37, 44, Pt. III (paras. 49–56), Sch. 9 paras. 4, 6, 9, 12–14 and 26 repealed (E.W.) by Registered Homes Act 1984 (c. 23, SIF 113:3), s. 57, **Sch. 3**

Changes to legislation: *Health And Social Services And Social Security Adjudications Act 1983 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Premiminary

49 The following are relevant enactments for the purposes of this Part of this Schedule—

(a) the [M21]Nursing Homes Act 1975;

(b) the [M22]Child Care Act 1980;

(c) the [M23]Children's Homes Act 1982; and

(d) Part I of this Schedule.

Marginal Citations

M21 1975 c. 37.

M22 1980 c. 5.

M23 1982 c. 20.

Constitution of panels for chairmen and members

50 (1) For the purpose of enabling a tribunal to hear an appeal under a relevant enactment to be constituted as occasion may require there shall be—

(a) a panel appointed by the Lord Chancellor (in this Part of this Schedule referred to as "the legal panel") of persons available to act as chairmen of any such tribunals; and

(b) a panel appointed by the Lord President of the Council (in this Part of this Schedule referred to as "the panel of experts") of persons available to act as members.

(2) Tribunals constituted under this Part of this Schedule are to be known as Registered Homes Tribunals.

(3) No person shall be qualified to be appointed to the legal panel unless he possesses such legal qualifications as the Lord Chancellor considers suitable.

(4) No person shall be qualified to be appointed to the panel of experts unless he has had experience in social work, medicine, nursing or midwifery or such other experience as the Lord President of the Council considers suitable.

(5) No officer of a government department may be apointed to either panel.

(6) A person appointed to a panel shall hold office subject to such conditions as to the period of his membership and otherwise as may be determined by the person appointing him.

Constitution of Tribunals—general

51 (1) A Registered Homes Tribunal shall consist of a chairman and two other members.

(2) The chairman shall be a member of the legal panel appointed to the tribunal by the Lord Chancellor.

(3) The other two members shall be members of the panel of experts appointed to the tribunal by the Lord President of the Council.

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Tribunals for appeals relating to nursing homes (includingmaternity homes) and mental nursing homes

52 (1) A Registered Homes Tribunal to hear an appeal relating solely to registration under the [M24]Nursing Homes Act 1975 shall include a registered medical practitioner.

(2) Such a tribunal shall also include—

(a) if the appeal relates to registration of a maternity home, a qualified midwife; and

(b) in any other case, a qualified nurse.

(3) A tribunal which is constituted to hear both an appeal relating to registration under the Nursing Homes Act 1975 and an appeal relating toregistration under Part I of this Schedule shall include a person selected in accordance with supparagraph (2) above.

(4) In this Part of this Schedule—

"nursing home" and "maternity home" have the meanings assigned to them by section 1 of the [M25]Nursing Homes Act 1975;

"mental nursing home" has the meaning assigned to it by section 2 of that Act;

"qualified midwife" means a person who is for the time being certified under the [M26]Midwives Act 1951 or registered under the [M27]Nurses, Midwives and Health Visitors Act 1979; and

"qualified nurse" means—

(a) a person who is for the time being registered under section 2(1) ofthe [M28]Nurses Act 1957; or

(b) a person who—

(i) is for the time being registered under the Nurses, Midwives and Health Visitors Act 1979; and

(ii) would have been qualified to be registered under section 2(1) of the Nurses Act 1957.

Marginal Citations

M24 1975 c. 37.
M25 1975 c. 37.
M26 1951 c. 53.
M27 1979 c. 36.
M28 1957 c. 15.

Procedure of tribunals

53 (1) The Secretary of State may by statutory instrument make rules as to the practice and procedure to be followed with respect to theconstitution of Registered Homes Tribunals, and as to proceedings before such tribunals and matters incidental to or consequential on such proceedings ; and without prejudice to the generality of this paragraph such rules may make provision—

(a) requiring particulars to be supplied of matters relevant to thedetermination of an appeal;

(b) enabling two or more appeals to be heard together; and

(c) as to representation before a tribunal, by counsel or a solicitor or otherwise.

***Changes to legislation:** Health And Social Services And Social Security Adjudications Act 1983 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) Rules under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

54 The [M29]Arbitration Act 1950 shall not apply to any proceedings before Registered Homes Tribunals except so far as any provision of that Act may be applied to such tribunals with or without modifications by rules made under paragraph 53 above.

Marginal Citations

M29 1950 c. 27.

Staff for tribunals

55 The Secretary of State shall assign such staff as may from time to time be required for Registered Homes Tribunals.

Fees, allowances and expenses

56 The Secretary of State may—

(a) pay to members of Registered Homes Tribunals such fees and allowances as he may, with the consent of the Treasury, determine; and

(b) defray the expenses of such tribunals up to such amount as he may with the like consent determine.**]**

SCHEDULE 5 E+W+S

Section 12.

AMENDMENTS OF NATIONAL HEALTH SERVICE ACT 1977

[F73]1 . . . . . .

Textual Amendments

F73 Sch. 5 para. 1 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

[F74]2 . . . . . .

Textual Amendments

F74 Sch. 5 para. 2 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

3 In section 98 (accounts and audit)—

[F75](a) . . . . . .

(b) in subsection (4)(a), for the words "those Authorities, special authorities and special trustees" there shall be substituted the words "the bodies mentioned in subsection (1) above, other than the Dental Estimates Board".

Changes to legislation: *Health And Social Services And Social Security Adjudications Act 1983 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F75 Sch. 5 para. 3(a) repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with Sch. 2 paras. 6, 16)

SCHEDULE 6 U.K.

Section 14.

MEDICAL PRACTITIONERS ETC.

1 . . . . . F76

Textual Amendments

F76 Sch. 6 para. 1 repealed by Medical Act 1983 (c. 54, SIF 83:1), s. 56(2), **Sch. 7 Pt. I** (with s. 54)

Arrangements for provision of general medical services in England and Wales

F77 2 . . . . . .

Textual Amendments

F77 Sch. 6 para. 2 repealed (1.4.2004 except for W., 1.4.2004 for W.) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 199(1)(4), **Sch. 14 Pt. 4**; S.I. 2004/288, art. 6(2)(e) (as amended by S.I. 2004/866 and S.I. 2005/2925); S.I. 2004/480, art. 5(2)(e) (as amended by S.I. 2004/1019 and S.I. 2006/345)

Control of remuneration and conditions of service of health service officers

F78 3 . . . . . .

Textual Amendments

F78 Sch. 6 para. 3 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

Provisions relating to Preserved Boards of Governors

F79 4 . . . . . .

Textual Amendments

F79 Sch. 6 para. 4 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with Sch. 2 paras. 6, 16)

Changes to legislation: *Health And Social Services And Social Security Adjudications Act 1983 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULE 7 E+W+S

Section 14.

AMENDMENT OF NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1978

Delegation of functions to Health Boards

1 In section 2 of the [M30]National Health Service (Scotland) Act 1978 (constituting of Health Boards) in subsection (1), for the words from "functions" to "determine" where it secondly occurs substitute "such of his functions under this Act as he may so determine,".

Marginal Citations

M30 1978 c. 29.

Arrangements for provision of general medical services in Scotland

2 In section 19 (arrangements and regulations for general medical services) of that Act—

(a) at the end of subsection (2) insert—

"(f) for the making of arrangements for the temporary provision of general medical services in an area;

(g) for the circumstances in which a name added to the list by virtue of subsection (5) below may be removed from it.".

(b) after subsection (4) insert—

"(5) The persons with whom arrangements for the temporary provision of general medical services in an area may be made by virtue of regulations under subsection (2) include medical practitioners who are not on the list of medical practitioners providing such services in the area, and the power to prepare and publish lists of medical practitioners conferred by paragraph (a) of that subsection accordingly includes power to add the names of medical practitioners with whom such arrangements are made to the lists.

(6) Regulations may provide that this Act and any regulations made under it shall apply in relation—

(a) to the making of arrangements for the temporary provision of general medical services; and

(b) to the provision of general medical services in pursuance of any such arrangements,

subject to such modifications as may be specified in the regulations.

(7) Where the registration of a medical practitioner in the register of medical practitioners is suspended—

(a) by a direction of the Health Committee of the General Medical Council under section 8(1) or (2) of the Medical Act 1978 (unfitness to practise by reason of physical or mental condition);

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(b) by an Order of that Committee under section 9(1) of that Act (order for immediate suspension); or

(c) by an interim order of the preliminary Proceedings Committee of the Council under section 13(3)(b) of that Act.

the suspension shall not terminate any arrangements made with him for the provision of general medical services; but he shall not provide such services in person during that period of suspension.”.

Disposal of land

3 In section 79 of that Act (purchase of land and moveable property) after subsection (1) insert—

“(1A) Without prejudice to any other power of disposal, the Secretary of State may dispose of any land which he considers is no longer required for the purposes of any service under this Act and where he has delegated any of his functions with regard to the acquisition, management or disposal of land to a Health Board or to the Agency, any instrument in connection with the exercise of those functions shall be deemed to be validly executed by him if it is executed on his behalf by any officer of the Health Board or the Agency authorised by him for the purpose; and any instrument so executed shall, for the purposes of section 1(8) and (9) of the Reorganisation of Offices (Scotland) Act 1939, be deemed to have been executed by an officer of the Secretary of State duly authorised by him.”.

Control of remuneration and conditions of service of employees

4 (1) The following paragraph shall be added after paragraph 5 of Schedule 1 to that Act—

“5A Regulations or directions under paragraph 5 may provide for approvals, authorisations or determinations to have effect from a date (which may be before or after the date of giving or making them but may not be before if to the detriment of such officers and servants) specified in them.”.

(2) The following paragraph shall be added after paragraph 7 of Schedule 5 to that Act—

“7A Regulations or directions under paragraph 7 may provide for approvals, authorisations or determinations to have effect from a date (which may be before or after the date of giving or making them but may not be before if to the detriment of such officers and servants) specified in them.”.

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[F80]SCHEDULE 8 U.K.

Section 25.

SOCIAL SECURITY ADJUDICATIONS

Textual Amendments

F80 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s.118(1)(2)(4))) and Sch. 8 expressed to be repealed (29.11.1999) by 1998 c. 14, s . 86(2), Sch. 8; S.I. 1999/3178, art. 2(1), **Sch. 1** (subject to transitional provisions in Schs. 21-23)

PART I E+W+S

GENERAL

. . . . . .

PART II U.K.

AMENDMENTS OF SOCIAL SECURITY ACT 1975

[F82]2 . . . . . .

Textual Amendments

F82 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

[F83]3 . . . . . .

Textual Amendments

F83 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

[F84]4 . . . . . .

Textual Amendments

F84 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

[F85]5 . . . . . .

Changes to legislation: *Health And Social Services And Social Security Adjudications Act 1983 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F85 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

F86 6 . . . . . .

Textual Amendments

F86 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

F87 7 . . . . . .

Textual Amendments

F87 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

F88 8 . . . . . .

Textual Amendments

F88 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

F89 9 . . . . . .

Textual Amendments

F89 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

F90 10 . . . . . .

Textual Amendments

F90 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

F91 11 . . . . . .

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Textual Amendments

F91 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

F92 12 . . . . . .

Textual Amendments

F92 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

F93 13 . . . . . .

Textual Amendments

F93 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

PARTS III AND IV E+W+S

14—17. . . . . .

Textual Amendments

F94 Sch. 8 Pts. III, IV, Pt. V para. 18, Pt. VII para. 31(3) and Sch. 9 para. 20 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), **Sch. 11**

PART V U.K.

MISCELLANEOUS AMENDMENTS

18 . . . . . F95

Textual Amendments

F95 Sch. 8 Pts. III, IV, Pt. V para. 18, Pt. VII para. 31(3) and Sch. 9 para. 20 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), **Sch. 11**

Social Security and Housing Benefits Act 1982 (c. 24)

F96 19 . . . . . .

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Textual Amendments

F96 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

F97 20 . . . . . .

Textual Amendments

F97 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

PART VI U.K.

MEDICAL BOARDS

Amendments of Social Security Act 1975

F98 21 . . . . . .

Textual Amendments

F98 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

F99 22 . . . . . .

Textual Amendments

F99 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

F100 23 . . . . . .

Textual Amendments

F100 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

F101 24 . . . . . .

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Textual Amendments

F101 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

F102 25 . . . . . .

Textual Amendments

F102 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1**(subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

F103 26 . . . . . .

Textual Amendments

F103 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

F104 27 . . . . . .

Textual Amendments

F104 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

F105 28 . . . . . .

Textual Amendments

F105 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

Supplementary

29 . . . . . .

F106 30 . . . . . .

Textual Amendments

F106 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch.1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

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PART VII U.K.

SUPPLEMENTARY

F107 31 . . . . . .

Textual Amendments

F107 Sch. 8 (except paras. 1(3)(a) and 29) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch. 1** (subject as mentioned (6.3.1992) in Local Government Finance Act 1992 (c. 14), **s. 118(5)(7)** (with s. 118(1)(2)(4))).

SCHEDULE 9 U.K.

Section 29.

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I U.K.

MISCELLANEOUS AMENDMENTS

[F108 Public Health Act 1936 (c. 49)

Textual Amendments

F108 Sch. 9 para. 1 repealed (E.W.) by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1), s. 78, **Sch. 3**

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—

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"**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.".

[[F109]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 substituted the words "Part I of Schedule 4 to the Health and Social Services and Social Security Adjudications Act 1983".**]**

Textual Amendments

F109 Sch. 4 Pt. I (paras. 1–23), Pt. II paras. 24–37, 44, Pt. III (paras. 49–56), Sch. 9 paras. 4, 6, 9, 12–14 and 26 repealed (E.W.) by Registered Homes Act 1984 (c. 23, SIF 113:3), s. 57, **Sch. 3**

[F110 Nurseries and Child-Minders Regulation Act 1948 (c. 53)

Textual Amendments

F110 Sch. 2 paras. 50, 60–62, Sch. 4 Pt. II paras. 45–48 and Sch. 9 para. 5 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4); S.I. 1991/828, **art. 3(2)**

[[F111]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".**]**

Textual Amendments

F111 Sch. 2 paras. 50, 60-62, Sch. 4 Pt. II paras. 45-48 and Sch. 9 para. 5 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I 1991/828, art. 3(2)

***[**[F112] *Mental Health Act 1959 (c. 72)*

Textual Amendments

F112 Sch. 4 Pt. I (paras. 1–23), Pt. II paras. 24–37, 44, Pt. III (paras. 49–56), Sch. 9 paras. 4, 6, 9, 12–14 and 26 repealed (E.W.) by Registered Homes Act 1984 (c. 23, SIF 113:3), s. 57, **Sch. 3**

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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)

F113 7 . . . . . .

Textual Amendments

F113 Sch. 9 Pt. I para. 7 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with Sch. 2 paras. 6, 16)

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".

***[F114** Local Authority Social Services Act 1970 (c. 7)*

Textual Amendments

F114 Sch. 4 Pt. I (paras. 1–23), Pt. II paras. 24–37, 44, Pt. III (paras. 49–56), Sch. 9 paras. 4, 6, 9, 12–14 and 26 repealed (E.W.) by Registered Homes Act 1984 (c. 23, SIF 113:3), s. 57, **Sch. 3**

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—

"Registration of residential care homes.".**]**

Tribunals and Inquiries Act 1971 (c. 62)

F115 10 . . . . . .

Textual Amendments

F115 Sch. 9 Pt. I para. 10 repealed (1.10.1992) by Tribunals And Inquiries Act 1992 (c. 53), ss. 18(2), 19(2), **Sch. 4 Pt. I**.

F116 11 . . . . . .

Textual Amendments

F116 Sch. 9 Pt. I para. 11 repealed (1.10.1992) by Tribunals And Inquiries Act 1992 (c. 53), ss. 18(2), 19(2), **Sch. 4 Pt. I**.

Changes to legislation: *Health And Social Services And Social Security Adjudications Act 1983 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F117 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.".]

Textual Amendments

F117 Sch. 4 Pt. I (paras. 1–23), Pt. II paras. 24–37, 44, Pt. III (paras. 49–56), Sch. 9 paras. 4, 6, 9, 12–14 and 26 repealed (E.W.) by Registered Homes Act 1984 (c. 23, SIF 113:3), s. 57, **Sch. 3**

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.".

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.".

F118 15 . . . . . .

Textual Amendments

F118 Sch. 9 Pt. I para. 15 repealed (1.10.1992) by Tribunals And Inquiries Act 1992 (c. 53), ss. 18(2), 19(2), **Sch. 4 Pt.I**

F119 Local Government Act 1972 (c. 70)

Textual Amendments

F119 Sch. 2 paras. 34, 37, 46–49, 51–59, Sch. 4 Pt. II paras. 38–43, Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F120 16 . . . . . .

Textual Amendments

F120 Sch. 2 paras. 34, 37, 46-49, 51-59, Sch. 4 Pt. II paras. 38-43, Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Changes to legislation: *Health And Social Services And Social Security Adjudications Act 1983 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Guardianship Act 1973 (c. 29)

F121 17 . . . . . .

Textual Amendments

F121 Sch. 2 paras. 34, 37, 46-49, 51-59, Sch. 4 pt. II paras. 38-43, Sch. 9 paras. 16 and 17 repealed (E.W.) (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **s. 108**)(7), Sch.15 (with s. 108(6), Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

House of Commons Disqualification Act 1975 (c. 24)

18 In Part III of Schedule 1 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 fulltime Chairman of Social Security Appeal Tribunals and Medical Appeal Tribunals.".

Adoption Act 1976 (c. 36)

F122 19 . . . . . .

Textual Amendments

F122 Sch. 9 para. 19 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 5** (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

20 . . . . . F123

Textual Amendments

F123 Sch. 8 Pts. III, IV, Pt. V para. 18, Pt. VII para. 31(3) and Sch. 9 para. 20 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), **Sch. 11**

National Health Service Act 1977 (c. 49)

F124 21 . . . . . .

Textual Amendments

F124 Sch. 9 para. 21 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

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F125 22 . . . . . .

Textual Amendments

F125 Sch. 9 para. 22 repealed (E.W.) (1.3.2007 immediately before the National Health Service Act 2006 comes into force) by The National Health Service (Pre-consolidation Amendments) Order 2006 (S.I. 2006/1407), art. 1(1), **Sch. 2** (with art. 4)

F126 23 . . . . . .

Textual Amendments

F126 Sch. 9 para. 23 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

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)

F127 25 . . . . . .

Textual Amendments

F127 Sch. 9 Pt. I para. 25 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191, 195, 202)

[F128 Foster Children Act 1980 (c. 6)

Textual Amendments

F128 Sch. 4 Pt. I (paras. 1–23), Pt. II paras. 24–37, 44, Pt. III (paras. 49–56), Sch. 9 paras. 4, 6, 9, 12–14 and 26 repealed (E.W.) by Registered Homes Act 1984 (c. 23, SIF 113:3), s. 57, **Sch. 3**

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 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 are not liable to be recalled for service)—

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"2 A person who is receiving treatment for mental disorder as an inpatient in any establishment in the United Kingdom and is under the supervision of a registered medical practitioner.".

Overseas Development and Cooperation Act 1980 (c. 63)

[F129]28 . . . . . .

Textual Amendments

F129 Sch. 9 Pt. I para. 28 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with Sch. 2 paras. 6, 16)

PART II E+W+S

MEALS AND RECREATION FOR OLD PEOPLE

1 A district council [[F130]or Welsh county council or county borough 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.

Textual Amendments

F130 Words in Sch. 9 Pt. II para. 1 inserted (1.4.1996) by 1994 c. 19, s. 22(4), **Sch. 10 para. 12(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

2 A district council [[F131]or Welsh county council or county borough 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.

Textual Amendments

F131 Words in Sch. 9 Pt. II para. 2 inserted (1.4.1996) by 1994 c. 19, s. 22(4), **Sch. 10 para. 12(a)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

3 (1) District councils [[F132]or Welsh county councils or county borough 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—

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(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 **[**[F132]or Welsh county councils or county borough councils**]**; and

(b) may make provision with respect to the qualifications of officers employed by district councils **[**[F132]or Welsh county councils or county borough councils**]** for the purposes of this Part of this Schedule or by voluntary organisations acting under arrangements with or on behalf of district councils **[**[F132]or Welsh county councils or county borough 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.

Textual Amendments

F132 Words in Sch. 9 Pt. II para. 3 inserted (1.4.1996) by 1994 c. 19, s. 22(4), **Sch. 10 para. 12(b)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

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.

SCHEDULE 10 E+W+S

Section 30.

REPEALS AND REVOCATION

PART I E+W+S

REPEALS

Chapter	Short title	Extent of repeal
26 Geo. 5 & 1 Edw. 8. c. 49.	Public Health Act 1936.	In section 143, in subsection (3), the words "and officers and men employed in the coastguard" and paragraph (ii) of the proviso, and in subsection (4), the words "and officers and men employed in the coastguard".
11 & 12 Geo 6. c. 29.	National Assistance Act 1948.	Section 29(5).

Changes to legislation: *Health And Social Services And Social Security Adjudications Act 1983 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

4 & 5 Eliz. 2. c. 16.	Food and Drugs Act 1955.	Section 82.
		In Schedule 10, in paragraph 1(b), the words "subsection (4) of section eightytwo."
10 & 11 Eliz. 2. c. 33.	Health Visiting and Social Work (Training) Act 1962.	The whole Act.
1966 c. 42.	Local Government Act 1966.	In Part II of Schedule 3, paragraph 31.
1968 c. 46.	Health Services and Public Health Act 1968.	Section 45(2).
		In section 48(2), in paragraph (a), the words "the Area Health Authority within whose area or" and in paragraph (b)(ii), the words "the Area Health Authority for the area".
		Section 64 so far as it relates to Scotland.
1968 c. 49.	Social Work (Scotland) Act 1968.	Section 14(2).
		Section 31(2).
		In section 59A(1), the words "in residential establishments".
		Section 59A(3).
		In section 78(1)(b), the words "and is engaged in remunerative employment".
1969 c. 54.	Children and Young Persons Act 1969.	In Schedule 4, paragraph 13.
1970 c. 42.	Local Authority Social Services Act 1970.	Section 11.
		In section 15, in subsection (6), the words "except section 11" and in subsection (7), the words "section 11 and".
1970 c. 46.	Radiological Protection Act 1970.	Section 4.
		In section 6(1), the words "and 4(2)".
Chapter	Short title	Extent of repeal

***Changes to legislation:** Health And Social Services And Social Security Adjudications Act 1983 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

1970 c. 55.	Family Income Supplements Act 1970.	Section 1(1A).
		Section 7.
		Section 10(2)(h) and (3).
		In section 17(1), the definition of "supplement officer".
1971 c. 62.	Tribunals and Inquiries Act 1971.	In section 13(1), the words "4" and "18(a),".
		In Schedule 1, paragraph 30B.
1972 c. 70.	Local Government Act 1972.	Section 101(9)(e).
		In Schedule 23, paragraph 12.
1973 c. 62	Powers of Criminal Courts Act 1973.	In Schedule 5, paragraph 33.
1975 c. 14.	Social Security Act 1975.	In section 109(2), the proviso.
		Section 111.
		In section 117(4), the second paragraph.
		In section 155(d)(iii), the words "medical board or".
1975 c. 24.	House of Commons Disqualification Act 1975.	In Part III of Schedule 1, in the entry beginning "Chairman of an Appeal Tribunal", the words "Schedule 4 to the Supplementary Benefits Act 1976 or" and in the entry beginning "Chairman of a Local Tribunal", the words "section 97(2) of, and Schedule 10 to, the Social Security Act 1975 or under".
1975 c. 37.	Nursing Homes Act 1975.	Section 6(a)(iii).
		In section 19(3)(b)(ii), the words "of those sections".
1975 c. 61.	Child Benefit Act 1975.	In section 24(1), the definitions of "insurance officer" and "local tribunal".
1975 c. 72.	Children Act 1975.	In section 72, in section 59A(1), the words "in residential establishments" and section 59A(3).

Changes to legislation: *Health And Social Services And Social Security Adjudications Act 1983 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

		Section 109(3).
1976 c. 36.	Adoption Act 1976.	Section 10,
		Section 27(4) and (5).
		Section 28(8) and (9).
		In section 63, in subsections (1) and (3), the words “Subject to subsection (4),” and in subsection (2), the words “and (4)”.
		In Schedule 3, paragraphs 29 and 30.
Chapter	Short title	Extent of repeal
1976 c. 71.	Supplementary Benefits Act 1976.	In section 12(4), the words from “and” onwards.
		Section 14(2)(d).
		Sections 15 and 15A.
		Section 20(3).
		Section 27(2).
		Section 28.
		In section 34(1), the definitions of “the Appeal Tribunal” and “benefit officer”.
		Schedule 4.
		In Schedule 7, paragraph 22.
1977 c. 5	Social Security (Miscellaneous Provisions) Act 1977.	Section 22(15).
1977 c. 45.	Criminal Law Act 1977.	In Schedule 12, paragraph 1 of the entry relating to the Adoption Act 1976.
1977 c. 49.	National Health Service Act 1977.	In section 8(1A), in paragraph (b), the words “according as is provided in the order,” and the words “with or without the word “Teaching””, in paragraph (c), the words “according as is provided in the order,”, and the words “with or without the word “Teaching””, in both places where they occur

***Changes to legislation:** Health And Social Services And Social Security Adjudications Act 1983 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

		and the words following paragraph (c).
		Section 9.
		In section 100(2), the words "in accordance with regulations made by the Secretary of State and approved by the Treasury, and shall be".
		In section 128(1), in the definition of "Area Health Authority" and "District Health Authority", the words "the word "Teaching" or".
		In Schedule 5, in paragraph 2(1), the words "Subject to paragraph 4 below,", paragraph 4, in paragraph 5, in subparagraph (1)(c), the words from "or, where" to the end and in subparagraph (2)(a), the words from "or another" to " "Teaching"".
		In Schedule 8, paragraphs 1(2), 2(5) and 3(2).
		In Schedule 15, paragraph 35.
1978 c. 18.	Adoption (Scotland) Act 1978.	Section 10.
		Section 27(4) and (5).
		Section 28(8) and (9).
1978 c. 22.	Domestic Proceedings and Magistrates' Courts Act 1978.	In section 10(4)(b), the words "and is engaged in remunerative fulltime work".
1978 c. 44.	Employment Protection (Consolidation) Act 1978.	In Schedule 15, paragraph 14.
1979 c. 36.	Nurses, Midwives and Health Visitors Act 1979.	In section 21(1), the words from "and the Health" onwards.
		Section 21(4).
		In Schedule 7, paragraph 11.
1980 c. 5.	Child Care Act 1980.	In section 10(2), the words from "and may" to the end of the subsection.
		In section 36(1), the words "for giving effect to the

Changes to legislation: *Health And Social Services And Social Security Adjudications Act 1983 is up to date with all changes known to be in force on or before 22 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

		provision of the regional plan by which the home is designated as a controlled or assisted community home”.
		In section 39(2) in paragraph (c), the words “or voluntary organisation”, and paragraph (e).
		Section 43(3).
		In section 44(5), the words “but which were designated as a community home in a regional plan approved by the Secretary of State”.
		In section 45(1)(ii), the words from “and” to “work”.
		Section 58.
		Section 71.
		Section 79(5)(h).
		In section 87(1), the definitions of “planning area”, “regional plan” and “the relevant authorities”.
		Schedule 1.
		Schedule 3.
		In Schedule 5, paragraphs 23(a) and 34(a).
1980 c. 7.	Residential Homes Act 1980.	The whole Act.
1980 c. 53.	Health Services Act 1980.	In section 1, in subsection (1)(a), the words “or Area Health Authorities (Teaching)”, in subsection (3),paragraph (b) and in paragraph (c) the words “with or without the word “Teaching””, subsection (4) and in subsection (5), the words “the word “Teaching” or.”.
		Section 4.
		In Schedule 1, paragraph 29, and in paragraph 78(6), the words from “and, for” to “the word “Teaching”” in both places where they occur.

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1980 c. 63.	Overseas Development and Cooperation Act 1980	In Schedule 1, in Part II, the words "for an area or district".
1982 c. 20	Children's Homes Act 1982	In section 3, in subsection (4) the words after "application" where it first occurs and subsections (6) and (8). Section 6(4) and (5). Section 7. Section 15(2).
1982 c. 24.	Social Security and Housing Benefits Act 1982.	In section 26(1), the definitions of "insurance officer" and "local tribunal". In Schedule 2, paragraph 8(4).
1982 c. 48.	Criminal Justice Act 1982.	Section 25(1).

PART II E+W+S

REVOCATION

Reference	Title	Extent of revocation
S.I. 1981 No. 432.	European Communities (Medical, Dental and Nursing Professions) (Linguistic Knowledge) Order 1981.	Article 3(1)(b) and (3)(b).

Changes to legislation:
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View outstanding changes

Changes and effects yet to be applied to :

- s. 10 by 2000 c. 14 s. 70(1)
- s. 16(a) repealed by 2005 asp 13 sch. 3
- s. 17(5) words inserted by 2010 c. 18 s. 1(8) (This amendment not applied to legislation.gov.uk. Amending Act repealed (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (No. 413), reg. 273)
- Sch. 2 para. 29 repealed by 2000 c. 14 Sch. 6
- Sch. 5 para. 3 repealed by 2006 c. 28 Sch. 9

Commencement Orders yet to be applied to the Health And Social Services And Social Security Adjudications Act 1983
Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2004/288 art. 2-6 commences (2003 c. 43)
- S.I. 2004/480 art. 2-5 commences (2003 c. 43)
- S.I. 2004/1009 art. 2 commences (2003 c. 43)
- S.I. 2004/1019 art. 2 commences (2003 c. 43)
- S.I. 2005/2897 art. 2 commences (2002 c. 38)
- S.I. 2005/2925 art. 24-11 commences (2003 c. 43)
- S.I. 2006/345 art. 2-7 commences (2003 c. 43)
- S.I. 2009/3074 art. 23 commences (2008 c. 4)
- S.I. 2011/849 art. 2 commences (2010 nawm 2)
- S.S.I. 2009/267 art. 2 commences (2007 asp 4)