
Changes to legislation: National Health Service and Community Care Act 1990, Cross Heading: The National Assistance Act 1948 is up to date with all changes known to be in force on or before 04 January 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

SCHEDULE 9

MINOR AND CONSEQUENTIAL AMENDMENTS

The National Assistance Act 1948

- 5 (1) At the beginning of subsection (4) of section 21 of the ^{M1}National Assistance Act 1948 (accommodation provided under section 21 to be provided in premises managed by a local authority) there shall be inserted “Subject to the provisions of section 26 of this Act”.
- (2) For paragraphs (b) and (c) of subsection (7) of that section (which enable health services to be provided on premises where accommodation is provided under that section) there shall be substituted—
- “(b) make arrangements for the provision on the premises in which the accommodation is being provided of such other services as appear to the authority to be required.”
- (3) At the end of subsection (8) of that section (which excludes from that section provision required to be made by a local authority under other enactments) there shall be inserted “or authorised or required to be provided under the National Health Service Act 1977”.
- (4) In section 24 of that Act (authority liable for provision of accommodation)—
- (a) in subsection (6) for the words from “patient” to “shall” there shall be substituted “patient in a hospital vested in the Secretary of State or an NHS trust shall”; and
- (b) at the end there shall be added—
- “(7) In subsection (6) above “NHS trust” means a National Health Service trust established under Part I of the National Health Service and Community Care Act 1990 or under the National Health Service (Scotland) Act 1978.”
- (5) In section 26 of that Act (provision of accommodation in premises maintained by voluntary organisations etc.)—
- (a) in subsection (2) the words “subsection (1) of” shall be omitted;
- (b) after subsection (4) there shall be inserted—
- “(4A) Section 21(5) of this Act shall have effect as respects accommodation provided under arrangements made by virtue of this section with the substitution for the reference to the authority managing the premises of a reference to the authority making the arrangements.”;
- (c) in subsection (5) the words “subsection (1) of” shall be omitted.

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- (6) Subsections (2) and (3) of section 35 of that Act (duty of authorities to exercise functions under Part III of that Act in accordance with regulations) shall cease to have effect.
- (7) Section 36 of that Act (default powers of Minister) shall cease to have effect.
- (8) Section 54 of that Act (which enables inquiries to be held for the purposes of that Act) shall cease to have effect.
- (9) In paragraph (f) of section 65 of that Act (application to Scotland)—
 - (a) the words “Part IV of” shall cease to have effect;
 - (b) at the end there shall be inserted “or section 7 (functions of local authorities) of the Mental Health (Scotland) Act 1984,”.

Commencement Information

- II** [Sch. 9 para. 5](#) wholly in force at 1.4.1993; [Sch. 9 para. 5](#) not in force at Royal Assent see [s. 67\(2\)](#); [Sch. 9 para. 5\(4\)](#) in force at 5.7.1990 by [S.I. 1990/1329](#), [art. 2\(1\)](#), [Sch. 1](#); [Sch. 9 para. 5\(6\)\(7\)\(8\)\(9\)\(b\)](#) in force at 1.4.1991 by [S.I. 1990/2218](#), [art. 2](#), [Sch.](#) and 1990/2510, [art. 2](#), [Sch.](#); [Sch. 9 para. 5\(1\)–\(3\)\(5\)\(9\)\(a\)](#) in force at 1.4.1993 by [S.I. 1992/2975](#), [art. 2\(2\)](#), [Sch.](#)
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Marginal Citations

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

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

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

- s. 4A(1)(c) and word added by [S.I. 2006/1056 Sch. para. 5\(a\)\(ii\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))