



# National Health Service and Community Care Act 1990

## 1990 CHAPTER 19

### PART III

#### COMMUNITY CARE: ENGLAND AND WALES

##### *General provisions concerning community care services*

**46 Local authority plans for community care services.**

- (1) Each local authority—
  - (a) shall, within such period after the day appointed for the coming into force of this section as the Secretary of State may direct, prepare and publish a plan for the provision of community care services in their area;
  - (b) shall keep the plan prepared by them under paragraph (a) above and any further plans prepared by them under this section under review; and
  - (c) shall, at such intervals as the Secretary of State may direct, prepare and publish modifications to the current plan, or if the case requires, a new plan.
- (2) In carrying out any of their functions under paragraphs (a) to (c) of subsection (1) above, a local authority shall consult—
  - (a) any [<sup>F1</sup>Health Authority the whole or any part of whose area] lies within the area of the local authority;
  - <sup>F2</sup>(b) .....
  - (c) in so far as any proposed plan, review or modifications of a plan may affect or be affected by the provision or availability of housing and the local authority is not itself a local housing authority, within the meaning of the <sup>M1</sup>Housing Act 1985, every such local housing authority whose area is within the area of the local authority;
  - (d) such voluntary organisations as appear to the authority to represent the interests of persons who use or are likely to use any community care services

*Status: Point in time view as at 01/04/1996. This version of this provision has been superseded.*

*Changes to legislation: National Health Service and Community Care Act 1990, Section 46 is up to date with all changes known to be in force on or before 11 May 2023. 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)*

within the area of the authority or the interests of private carers who, within that area, provide care to persons for whom, in the exercise of their social services functions, the local authority have a power or a duty to provide a service.

- (e) such voluntary housing agencies and other bodies as appear to the local authority to provide housing or community care services in their area; and
- (f) such other persons as the Secretary of State may direct.

(3) In this section—

“local authority” means the council of a county, [<sup>F3</sup>a county borough,]a metropolitan district or a London borough or the Common Council of the City of London;

“community care services” means services which a local authority may provide or arrange to be provided under any of the following provisions—

- (a) Part III of the <sup>M2</sup>National Assistance Act 1948;
- (b) section 45 of the <sup>M3</sup>Health Services and Public Health Act 1968;
- (c) section 21 of and Schedule 8 to the <sup>M4</sup>National Health Service Act 1977; and
- (d) section 117 of the <sup>M5</sup>Mental Health Act 1983; and

“private carer” means a person who is not employed to provide the care in question by any body in the exercise of its functions under any enactment.

#### Textual Amendments

- F1** Words in s. 46(2)(a) substituted (1.4.1996 subject to s. 8 of the amending Act) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. II para. 80(a)** (with Sch. 2 paras. 6, 16)
- F2** S. 46(2)(b) repealed (1.4.1996 subject to s. 8 of the amending Act) by 1995 c. 17, ss. 2(1)(3), 5, Sch. 1 Pt. II para. 80(b), **Sch. 3** (with Sch. 2 paras. 6, 16)
- F3** Words in definition in s. 46(3) inserted (3.4.1995) by 1994 c. 19, s. 22(4), **Sch. 10 para. 14** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1995/852, art. 4(1), **Sch. 2**

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

- C1** S. 46; functions of local authority not to be sole responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 4(1), **Sch. 3**

#### Commencement Information

- I1** S. 46 wholly in force at 1.4.1991 see s. 67(2)(3) and S.I. 1990/2218, art. 2, **Sch. .**

#### Marginal Citations

- M1** 1985 c. 68.
- M2** 1948 c. 29.
- M3** 1968 c. 46.
- M4** 1977 c. 49.
- M5** 1983 c. 20.

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