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**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care Act 2008,  
Cross Heading: Complaints, orders and payments under section 43 of the 1948 Act. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 13

#### TRANSITIONAL PROVISIONS RELATING TO S. 147

##### *Complaints, orders and payments under section 43 of the 1948 Act*

- 2 (1) No complaint may be made under section 43 of the 1948 Act on or after the appointed day, not even—
- (a) in respect of assistance given, or applied for, before that day, or
  - (b) in respect of expenditure incurred by virtue of section 47 of that Act—
    - (i) before the appointed day, or
    - (ii) in connection with the maintenance of a person who is maintained in pursuance of an order under section 47 of that Act (order for removing, to suitable premises, person in need of care and attention) made before the appointed day.
- (2) No order may be made under section 43(2) of the 1948 Act on or after the appointed day, not even on a complaint made before that day.
- (3) No order made under section 43(2) of the 1948 Act—
- (a) may be varied on or after the appointed day so as to—
    - (i) provide for any additional payment,
    - (ii) increase the amount of any payment, or
    - (iii) bring forward the time for making any payment;
  - (b) may be revived on or after the appointed day.
- (4) Where an order has been made under section 43(2) of the 1948 Act, the only payments required to be made under the order on or after the appointed day are overdue pre-commencement payments.
- (5) This Act does not prevent enforcement after the appointed day (whether by proceedings or otherwise) of an order under section 43(2) of the 1948 Act so far as the order relates to overdue pre-commencement payments.
- (6) In this paragraph—
- “the appointed day” means the day appointed under this Act for the coming into force of section 147(1)(a);
  - “overdue pre-commencement payment”, in relation to an order under section 43(2) of the 1948 Act, means a payment that under the order should have been (but was not) made before that day.
- (7) Sub-paragraphs (3) to (5) apply in relation to a registered order as to an order made under section 43(2) of the 1948 Act in England and Wales, except that in relation to a registered order “overdue pre-commencement payment” means a payment that under the registered order should have been (but was not) made before 5 October 2007.

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- (8) In sub-paragraph (7) “registered order” means—
- (a) an order made in Scotland under section 43(2) of the 1948 Act, and
  - (b) registered in England and Wales under Part 2 of the Maintenance Orders Act 1950 (c. 37) (enforcement in one part of the United Kingdom of orders made in another part).

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**Commencement Information**

- I1** Sch. 13 para. 2 in force at 6.4.2009 for W. by S.I. 2009/631, **art. 2(b)**
- I2** Sch. 13 para. 2 in force at 6.4.2009 except in relation to local authorities in W. by S.I. 2009/462, **art. 4(b)**

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