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**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care Act 2008,  
Cross Heading: Recovery of expenses incurred under section 48 of the 1948 Act. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 13

#### TRANSITIONAL PROVISIONS RELATING TO S. 147

##### *Recovery of expenses incurred under section 48 of the 1948 Act*

- 4 (1) Sub-paragraphs (3) to (5) apply in relation to reasonable expenses incurred under section 48(1) and (2) of the 1948 Act in relation to a person (“C”) admitted, or removed, as mentioned in section 48(1) of that Act.
- (2) In sub-paragraphs (3) to (5) “liability proceedings” means proceedings for the expenses’ recovery under section 48(3) of the 1948 Act from a person other than C if the proceedings are brought against that other person (“D”) on account of D having, at a time before the appointed day, been for the purposes of the 1948 Act liable to maintain C.
- (3) No liability proceedings may be begun, or continued, on or after the appointed day; but this is subject to sub-paragraph (5).
- (4) Sub-paragraph (3) applies (subject to sub-paragraph (5))—
- (a) even to expenses incurred before the appointed day, and
  - (b) even where C was admitted, or removed, before the appointed day.
- (5) Where liability proceedings begun before the appointed day resulted in a court making an order before that day for the recovery of the expenditure from D, this Act does not prevent the enforcement of the order (whether by proceedings or otherwise) on or after the appointed day.
- (6) In this paragraph “the appointed day” means the day appointed under this Act for the coming into force of section 147(1)(c).

#### **Commencement Information**

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

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care Act 2008, Cross Heading: Recovery of expenses incurred under section 48 of the 1948 Act.