



National Assistance Act 1948

1948 CHAPTER 29

PART III

LOCAL AUTHORITY SERVICES.

Local and Central Authorities.

33 Local Authorities for purposes of Part III.

- (1) In this Part of this Act the expression " local authority " means the council of a county or county borough in England or Wales, and the council of a county or of a large burgh in Scotland:

Provided that in section thirty-one of this Act the said expression means as respects England and Wales any such council as is specified in the definition of the said expression in section sixty-four of this Act, and as respects Scotland a county, town or district council.

- (2) The provisions of the Third Schedule to this Act shall have effect with respect to the establishment of committees and joint boards for the purposes of this Part of this Act.

34 Provisions as to local authority schemes.

- (1) The following provisions of this section shall have effect as to schemes made under section twenty-one or twenty-nine of this Act.
- (2) Subject to the provisions of this section, any such scheme shall be made by the local authority and submitted to the Minister, and shall come into force when approved by him.
- (3) Not later than the date on which any such scheme is submitted to the Minister by the council of a county, that council shall send a copy of the scheme—
- (a) in the case of London to the Common Council of the City of London and to the council of each metropolitan borough;

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- (b) in the case of any other county, to the council of each county district in the county;
 and the Minister before approving the scheme shall take into consideration any representations by any such council as is referred to in paragraph (a) or (b) of this subsection made with respect to the scheme within one month from the date on which it was submitted to the Minister.
- (4) The Minister may approve any such scheme submitted to him either in the form in which it is submitted or with such modifications as he thinks fit.
- (5) Any scheme under either of the said sections may be varied or revoked by a subsequent scheme thereunder, and the provisions of the three last foregoing subsections shall apply to such a varying or revoking scheme.
- (6) Where in the case of any local authority-no scheme is for the time being in force for the exercise of their functions under section twenty-one of this Act, or for the exercise of any powers under section twenty-nine of this Act which the authority are under a duty to exercise, the Minister may require the authority, within such time as he may specify, to submit such a scheme to him for his approval, and if the authority—
 - (a) fail to comply with the requirement, or
 - (b) submit a scheme which appears to the Minister not proper to be approved by him either as submitted or with modifications,
 the Minister may himself make a scheme for the exercise of the said functions or powers by the local authority.
- (7) Where it appears to the Minister that by reason of a change of circumstances it is expedient that any scheme for the exercise by a local authority of their functions under section twenty-one or twenty-nine of this Act should be varied, the Minister may require the authority, within such time as he may specify, to submit to him for his approval a scheme for varying the first-mentioned scheme in such respects as may be specified in the requirement, and if the local authority fail to comply with the requirement the Minister may himself make the varying scheme.
- (8) This section shall have effect in its application to Scotland as if for subsection (3) the following subsection were substituted:—
 - “(3) Not later than the date on which any scheme made under section twenty-one of this Act is submitted to the Minister by the council of a county, the council shall send a copy of the scheme to the town council of each small burgh in the county and the Minister before approving the scheme shall take into consideration any representations by any such town council made with respect to the scheme within one month from the date on which it was submitted to the Minister.”

35 Central Authority for purposes of Part III.

- (1) For the purposes of this Part of this Act the expression " the Minister " means the Minister of Health as respects England and Wales, and the Secretary of State as respects Scotland.
- (2) Subject to the provisions of schemes under this Part of this Act, local authorities shall exercise their functions under this Part of this Act (including any discretion conferred on them thereunder) under the general guidance of the Minister, and in accordance

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with the provisions of any regulations of the Minister made for the purposes of this subsection.

- (3) Without prejudice to the generality of the last foregoing subsection, regulations thereunder—
- (a) may provide for conferring on officers of the Minister authorised under the regulations such powers of inspection as may be prescribed in relation to the exercise of functions under this Part of this Act by or by arrangement with or on behalf of local authorities;
 - (b) may prescribe requirements as to the provision to be made in rules for the conduct of, and preservation of order in, premises in which accommodation is provided under this Part of this Act by local authorities;
 - (c) may make provision with respect to the qualifications of officers employed by local authorities for the purposes of this Part of this Act or by voluntary organisations acting under arrangements with or on behalf of local authorities for those purposes.

36 Default powers of Minister.

- (1) Where the Minister is of opinion, whether on representations made to him or otherwise, that a local authority have failed to discharge any of their functions under this Part of this Act, or have in the discharge thereof failed to comply with any regulations relating thereto, he may after such inquiry as he may think fit make an order declaring the authority to be in default.
- (2) An order under the last foregoing subsection shall direct the authority, for the purpose of remedying the default, to discharge such of their functions, in such manner and within such time or times, as may be specified in the order; and if the authority fail to comply with any direction given under this subsection within the time specified in the order, then without prejudice to any other means of enforcing the order the Minister may make an order transferring to himself such of the functions of the authority as he thinks fit.
- (3) Any expenses certified by the Minister to have been incurred by him in discharging functions transferred to him under this section shall on demand be paid to him by the authority from which the functions were transferred.
- (4) An authority shall have the like power of raising money required for paying expenses certified by the Minister as aforesaid as they have of raising money for paying expenses incurred directly by them, and the payment of any expenses certified as aforesaid shall, to such extent as may be sanctioned by the Minister, be a purpose for which the authority may borrow money in accordance with the statutory provisions relating to borrowing by that authority.
- (5) An order under this section may contain such incidental or supplemental provisions as appear to the Minister to be necessary or expedient, including provision for the transfer to the Minister of property and liabilities of the authority in default.
- (6) Where any such order is varied or revoked by a subsequent order, the revoking order or a subsequent order may make provision for the re-transfer to the authority in default of any property or liabilities transferred from that authority to the Minister under the first-mentioned order and for the transfer to that authority of any property or liabilities acquired or incurred by the Minister in discharging any of the functions transferred to him.