National Assistance Act 1948

1948 CHAPTER 29 11 and 12 Geo 6

PART IV

GENERAL AND SUPPLEMENTARY

Miscellaneous

46

Textual Amendments

F1 Ss. 45(2)–(4), 46 repealed by Ministry of Social Security Act 1966 (c. 20), Sch. 8

47 Removal to suitable premises of persons in need of care and attention.

Textual Amendments

F2 S. 47 repealed (S.) (29.10.2008) by Adult Support and Protection (Scotland) Act 2007 (asp 10), s. 79(3), Sch. 2; S.S.I. 2008/314, art. 2

F3 Pt. IV omitted in part (E.W.) (6.4.2016) by virtue of The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 9(1)

48 Duty of councils to provide temporary protection for property of persons admitted to hospitals etc. E+W

Textual Amendments
Duty of councils to provide temporary protection for property of persons admitted to hospitals etc.

(1) Where a person—
   (a) is admitted as a patient to any hospital, or
   (b) is admitted to accommodation provided under Part III of this Act, and it appears to the council, in the case of any moveable property of that person that is for the time being situated in Wales, that there is danger of loss of, or damage to, the property by reason of his temporary or permanent inability to protect or deal with the property, and that no other suitable arrangements have been or are being made for the purposes of this subsection, it shall be the duty of the council to take reasonable steps to prevent or mitigate the loss or damage.

(2) For the purpose of discharging the said duty, the council shall have power at all reasonable times to enter any premises which immediately before the person was admitted or removed as aforesaid were his place of residence or usual place of residence, and to deal with any movable property of his in any way which is reasonably necessary to prevent or mitigate loss thereof or damage thereto.

(3) A council may recover from a person admitted or removed as aforesaid any reasonable expenses incurred by the council in relation to him under the foregoing provisions of this section.

(4) In this section the expression “council” means in relation to any property the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 within whose area the property is for the time being situated.
Expenses of council officers acting as Receivers.

Where an officer of the council of a county or county borough [a county council in England, a district council for an area in England for which there is no county council, a London borough council or the Common Council of the City of London,] with the permission of the council [applies for appointment by the Court of Protection as a deputy], [applies for an intervention order or for appointment as a guardian under the Adults with Incapacity (Scotland) Act 2000] the council may defray any expenses incurred by him in connection with the application or the exercise of his functions as deputy, [his functions under the intervention order or as guardian] in so far as those expenses are not recoverable by him from any other source.

Textual Amendments

F4 Words “any” to “Act” substituted for words “the council” to “borough” (E.W.) by Local Government Act 1972 (c. 70), s. 195(6), Sch. 23 para. 2(11)
F5 Words in s. 49 substituted (E.W.) (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 9(2)
F6 Words in s. 49 inserted (E.W.) (6.4.2016) by Social Services and Well-being (Wales) Act 2014 (anaw 4), ss. 192, 199(2); S.I. 2016/412, art. 2 (with art. 4, Sch. 1, Sch. 2)
F7 Words in s. 49 substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), Sch. 6 para. 6(a) (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)
F8 Words in s. 49 inserted (S.) (1.4.2002) by 2000 asp 4, s. 88(2), Sch. 5 para. 8(a)(b); S.S.I. 2001/81, art. 3, Sch. 2
F9 Words in s. 49 substituted (1.10.2007) by Mental Capacity Act 2005 (c. 9), s. 68(1), Sch. 6 para. 6(b) (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)

Modifications etc. (not altering text)

C2 S. 49 extended (E.W.) by Local Authority Social Services Act 1970 (c. 42), s. 2(1), Sch. 1

Burial or cremation of the dead.

Textual Amendments

F10 S. 50 repealed (E.W.) by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100-1), s. 78, Sch. 3
F11 S. 50 repealed (S.) (4.4.2019) by Burial and Cremation (Scotland) Act 2016 (asp 20), s. 112(2), sch. 2 (with s. 111); S.S.I. 2018/380, reg. 2, sch. (with reg. 8)
51 Failure to maintain.

[Pt. IV omitted in part (E.W.) (6.4.2016) by virtue of The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 9(1)]

(1) Where a person persistently refuses or neglects to maintain himself, and in consequence of his refusal or neglect accommodation under Part III thereof is provided for him, he shall be guilty of an offence.

(2) For the purposes of this section, a person shall not be deemed to refuse or neglect to maintain himself by reason only of anything done or omitted in furtherance of a trade dispute.

(3) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding 3 months—

[F17(a)] to imprisonment for a term not exceeding three months;

[F19(b)] . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

52 False statements.

[Pt. IV omitted in part (E.W.) (6.4.2016) by virtue of The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 9(1)]

(1) If any person—

(a) for the purpose of obtaining, either for himself or for another person, any benefit under Part III of this Act; or

(b) for the purpose of avoiding or reducing any liability under this Act, makes any statement or representation which he knows to be false, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.

Textual Amendments

F3 Pt. IV omitted in part (E.W.) (6.4.2016) by virtue of The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 9(1)

F12 Words in s. 51(1) repealed (S.) (5.10.2007) by Adult Support and Protection (Scotland) Act 2007 (asp 10), s. 79(3), Sch. 2; S.S.I. 2007/334, art. 2(b), Sch. 2; and repealed (E.W.) (6.4.2009) by Health and Social Care Act 2008 (c. 14), ss. 147(1)(d), 170(3)(4), Sch. 15 Pt. 5 (with Sch. 13); S.I. 2009/462, art. 4(a)(c); S.I. 2009/631, art. 2(a)(c)

F13 Words repealed by Ministry of Social Security Act 1966 (c. 20), Sch. 8

F14 Word in s. 51(1) substituted (S.) (5.10.2007) by Adult Support and Protection (Scotland) Act 2007 (asp 10), s. 79(3), Sch. 1 para. 1(b)(i); S.S.I. 2007/334, art. 2(b), Sch. 2; and substituted (E.W.) (6.4.2009) by Health and Social Care Act 2008 (c. 14), ss. 147(3), 170(3)(4) (with Sch. 13); S.I. 2009/462, art. 4(a); S.I. 2009/631, art. 2(a)

F15 Words in s. 51(2) repealed (S.) (5.10.2007) by Adult Support and Protection (Scotland) Act 2007 (asp 10), s. 79(3), Sch. 2; S.S.I. 2007/334, art. 2(b), Sch. 2; and repealed (E.W.) (6.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), Sch. 15 Pt. 5 (with Sch. 13); S.I. 2009/462, art. 4(c); S.I. 2009/631, art. 2(c)

F16 Words in s. 51(3) inserted (S.) (5.10.2007) by Adult Support and Protection (Scotland) Act 2007 (asp 10), s. 79(3), Sch. 1 para. 1(b)(ii); S.S.I. 2007/334, art. 2(b), Sch. 2

F17 S. 51(3)(a)(b) repealed (S.) (5.10.2007) by Adult Support and Protection (Scotland) Act 2007 (asp 10), s. 79(3), Sch. 2; S.S.I. 2007/334, art. 2(b), Sch. 2

F18 Words in s. 51(3)(a) repealed (E.W.) (6.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), Sch. 15 Pt. 5 (with Sch. 13); S.I. 2009/462, art. 4(c); S.I. 2009/631, art. 2(c)

F19 S. 51(3)(b) repealed (E.W.) (6.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), Sch. 15 Pt. 5 (with Sch. 13); S.I. 2009/462, art. 4(c); S.I. 2009/631, art. 2(c)
(2) Notwithstanding anything in any enactment, proceedings for an offence under this section may be begun at any time within three months from the date on which evidence sufficient in the opinion of the local authority concerned to justify a prosecution for the offence comes to the knowledge of the local authority, or within twelve months from the commission of the offence, whichever period is the longer.

(3) For the purposes of the last foregoing subsection, a certificate of the local authority as to the date on which such evidence as aforesaid came to the knowledge of the local authority, as the case may be, shall be conclusive proof thereof.

(4) In the application of this section to Scotland, for the references to evidence sufficient to justify a prosecution there shall be substituted references to evidence sufficient to justify a report to the Lord Advocate with a view to consideration of the question of prosecution.

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**Textual Amendments**

- **F3** Pt. IV omitted in part (E.W.) (6.4.2016) by virtue of The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), 9(1)
- **F20** Words repealed by Ministry of Social Security Act 1966 (c. 20), Sch. 8
- **F21** Words substituted (E.W.S.) by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 38, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), ss. 289F, 289G

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

- **C3** S. 52 amended by Health Services and Public Health Act 1968 (c. 46), s. 45(5)
<table>
<thead>
<tr>
<th>Changes to legislation:</th>
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<tbody>
<tr>
<td>There are currently no known outstanding effects for the National Assistance Act 1948, Cross Heading: Miscellaneous.</td>
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