National Assistance Act 1948

1948 CHAPTER 29 11 and 12 Geo 6

PART IV

GENERAL AND SUPPLEMENTARY

Modifications etc. (not altering text)

C1 Pt. IV saved by Mental Health Act 1959 (c. 72), s. 8(3) (the said s. 8(3) repealed (prosp.) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 66(2), 67(2), Sch. 10)

Registration etc. of homes for disabled persons
and the aged and charities for disabled persons

37—40. ................................................ F1

Textual Amendments

F1 Ss. 37–40 repealed by Residential Homes Act 1980 (c. 7), s. 11(5), Sch. 2

F2 S. 41 repealed (1.9.1992) by Charities Act 1992 (c. 41), s. 78(2), Sch. 7; S.I. 1992/1900, art. 2(1), Sch. 1 Appendix
Recovery of Expenses

42 Liability to maintain wife or husband and children.

Textual Amendments

F3 S. 42 repealed (S.) (5.10.2007) by Adult Support and Protection (Scotland) Act 2007 (asp 10), ss. 62(1)(a), 79(3); S.S.I. 2007/334, art. 2(b), Sch. 2
F4 S. 42 repealed (E.W.) (6.4.2009) by Health and Social Care Act 2008 (c. 14), s. 170(3)(4), Sch. 15 Pt. 5 (with Sch. 13); S.I. 2009/462, art. 4(c); S.I. 2009/631, art. 2(c)

43 Recovery of cost of assistance from persons liable for maintenance.

Textual Amendments

F5 S. 43 repealed (S.) (5.10.2007) by Adult Support and Protection (Scotland) Act 2007 (asp 10), ss. 62(1)(a), 79(3); S.S.I. 2007/334, art. 2(b), Sch. 2
F6 S. 43 repealed (E.W.) (6.4.2009) by Health and Social Care Act 2008 (c. 14), ss. 147(1)(a), 170(3)(4), Sch. 15 Pt. 5 (with Sch. 13); S.I. 2009/462, art. 4(a)(c); S.I.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)

44 Recovery in cases of misrepresentation or non-disclosure.

(1) If, whether fraudulently or otherwise, any person misrepresents or fails to disclose any material fact, and in consequence of the misrepresentation or failure—

(a) a local authority incur any expenditure under Part III of this Act, or

(b) any sum recoverable under this Act by a local authority is not recovered, the authority shall be entitled to recover the amount thereof from the said person.

(2) .................................................................

Textual Amendments

F7 Pt. IV omitted in part (E.W.) by (S.) Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9, SIF 49:8), s. 10(2), Sch. 2 and (E.W.) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1)(4), Sch. 2 para. 7, Sch. 4

45 Recovery in cases of misrepresentation or non-disclosure.

(1) If, whether fraudulently or otherwise, any person misrepresents or fails to disclose any material fact, and in consequence of the misrepresentation or failure—

(a) a local authority incur any expenditure under Part III of this Act, or

(b) any sum recoverable under this Act by a local authority is not recovered, the authority shall be entitled to recover the amount thereof from the said person.

(2) .................................................................

Textual Amendments

F8 Pt. IV omitted in part (E.W.) 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)
F9 Words repealed by Ministry of Social Security Act 1966 (c. 20), Sch. 8
Changes to legislation: There are currently no known outstanding effects for the National Assistance Act 1948, Part IV. (See end of Document for details)

F10  Ss. 45(2)-(4), 46 repealed by Ministry of Social Security Act 1966 (c. 20), Sch. 8

Modifications etc. (not altering text)
C2  S. 45 extended (E.W.) by Local Authority Social Services Act 1970 (c. 42), s. 2(1), Sch. 1
C3  S. 45 amended by Health Services and Public Health Act 1968 (c. 46), s. 45(5)

Miscellaneous

46  ........................................ F11

Textual Amendments
F11  Ss. 45(2)-(4), 46 repealed by Ministry of Social Security Act 1966 (c. 20), Sch. 8

F12 F8

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

........................................

Textual Amendments
F8  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  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

F8 F48  Duty of councils to provide temporary protection for property of persons admitted to hospitals etc.  E+W

........................................

Extent Information
E1  This version of the provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments
F8  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)

F8 F48  Duty of councils to provide temporary protection for property of persons admitted to hospitals etc.  S

(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, F67...
and it appears to the council\textsuperscript{68}, in the case of any moveable property of that person
that is for the time being situated in Wales,\textsuperscript{69} that there is danger of loss of, or damage
to,\textsuperscript{69} the property\textsuperscript{69} 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\textsuperscript{70} 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\textsuperscript{70}... 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
\textsuperscript{71}constituted under section 2 of the Local Government etc. (Scotland) Act 1994
within whose area\textsuperscript{71} the property is for the time being situated.

\textbf{Extent Information}

\textbf{E2} This version of the provision extends to Scotland only; a separate version has been created for England and Wales only

\textbf{Textual Amendments}

\textbf{F67} S. 48(1)(c) and preceding word 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

\textbf{F68} Words in s. 48(1) inserted (1.4.2015) by The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), Sch. para. 7(a) (with arts. 1(3), 3)
(see S.I. 2015/993, art. 2(a))

\textbf{F69} Words in s. 48(1) substituted (1.4.2015) by The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), Sch. para. 7(b) (with arts. 1(3), 3)
(see S.I. 2015/993, art. 2(a))

\textbf{F70} Words in s. 48(3) 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

\textbf{F71} Words in s. 48(4) substituted (S.) (1.4.1996) by virtue of 1994 c. 39, s. 180(1), Sch. 13 para. 31(4); S.I. 1996/323, art. 4(1)(b)(c)

\textbf{Modifications etc. (not altering text)}

\textbf{C13} S. 48 modified (S.) by Mental Health (Scotland) Act 1985 (c. 36, SIF 85), ss. 92(2), 128, 129

\textbf{49 Expenses of council officers acting as Receivers.}

Where an officer of \textsuperscript{1}a county or county borough\textsuperscript{1} 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,\textsuperscript{1} with the permission of the council \textsuperscript{1}applies for appointment by the Court
of Protection as a deputy,\textsuperscript{1} or applies for an intervention order or for appointment as

a guardian under the Adults with Incapacity (Scotland) Act 2000 (asp 4)\textsuperscript{1} the council

day may defray any expenses incurred by him in connection with the application or the
exercise of his functions as deputy, or 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
F13 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)
F14 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)
F15 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)
F16 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)
F17 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
F18 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)
C4 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.

Failure to maintain.

(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—

(a) to imprisonment for a term not exceeding three months;
(b) ........................................... ]

Textual Amendments
F8 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)
52 False statements.

(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.

(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.]
Changes to legislation: There are currently no known outstanding effects for the National Assistance Act 1948, Part IV. (See end of Document for details)

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

**C5** S. 52 amended by Health Services and Public Health Act 1968 (c. 46), s. 45(5)

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**F29** Words repealed by Ministry of Social Security Act 1966 (c. 20), Sch. 8

**F30** 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

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**Textual Amendments**

**F31** S. 53 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86, Sch. 11

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**F32** S. 54 repealed (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1)(2), Sch. 9 para. 5 (8), Sch. 10 but by S.I. 1990/2218 (art. 2 and the Schedule of which commenced the repeal for E.W.), art. 3 it is provided that s. 54 shall continue to apply so far as the purposes of the 1948 Act relate to persons under the age of eighteen until section 81 of the Children Act 1989 comes into force

---

**Textual Amendments**

**F8** 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)

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**F32** S. 54 repealed (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1)(2), Sch. 9 para. 5 (8), Sch. 10 but by S.I. 1990/2218 (art. 2 and the Schedule of which commenced the repeal for E.W.), art. 3 it is provided that s. 54 shall continue to apply so far as the purposes of the 1948 Act relate to persons under the age of eighteen until section 81 of the Children Act 1989 comes into force

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**Textual Amendments**

**F8** 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)

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**Textual Amendments**

**F8** 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)

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**Textual Amendments**

**F8** 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)
Legal proceedings.

[F34] (1) Without prejudice to any other method of recovery, any sum due under this Act [F35] to a local authority [F36] shall be recoverable summarily as a civil debt.

(2) Notwithstanding anything in any Act, proceedings for the recovery of any sum in the manner provided by the last foregoing subsection may be brought at any time within three years after the sum became due.

[F37] (3) Offences under this Act, other than offences under section 47(11) of this Act, may be prosecuted by any council which is a local authority for the purposes of the [M1] Local Authority Social Services Act 1970 [F38] in Wales and offences under section 47(11) of this Act may be prosecuted by the councils referred to in section 47(12) of this Act.

[F39] (4) ..............................................................

(5) This section shall apply to Scotland with the omission in subsection (1) thereof of the word “summarily”, with the substitution for subsection (2) thereof of the following subsection—

“(2) Proceedings for the recovery of any such sum as aforesaid shall not be competent after the expiry of three years after the date when the sum became due.”

and with the omission of subsection (3) thereof.]

Textual Amendments

F8 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)

F34 Words repealed by Ministry of Social Security Act 1966 (c. 20), Sch. 8

F35 Words in s. 56(1) repealed (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)

F36 S. 56(3) substituted by Local Government Act 1972 (c. 70), s. 195(6), Sch. 23 para. 2(13)

F37 Words in s. 56(3) inserted (1.4.2015) by The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), Sch. para. 8 (with arts. 1(3), 3) (see S.I. 2015/993, art. 2(a))

F38 S. 56(4) repealed by Ministry of Social Security Act 1966 (c. 20), Sch. 8
57  ........................................  

Textual Amendments
F39  S. 57 repealed by (E.W.S.) Ministry of Social Security Act 1966 (c. 20), Sch. 8 and (N.I.) by S.I. 1977/610 (N.I. 11), Sch.

58  ........................................  

Textual Amendments
F40  S. 58 repealed by Statute Law (Repeals) Act 1978 (c. 45), Sch. 1 Pt. XII and by Acquisition of Land Act 1981 (c.67, SIF 28:1), Sch. 6 Pt. II

[\[F41\] 59  Accounts of councils of county boroughs.

(1) The council of every county borough shall keep accounts of the sums received and expended by them in the exercise of their functions under this Act, and those accounts shall be made up and audited in like manner as the accounts of a county council and shall be kept separately from their other accounts.

(2) The enactments relating to the audit of accounts by a district auditor and to the matters incidental to such audit and consequential thereon shall have effect in relation to the accounts which the council of a county borough are required to keep under this section as they have effect in relation to the accounts of a county council.]

Textual Amendments
F41  S. 59 repealed (E.W.) by Local Government Act 1972 (c. 70), Sch. 30; amended by Health Services and Public Health Act 1968 (c. 46), s. 45(5)

60  Compensation of displaced officers.

[\[F41\] (1) The Minister of Health, or as respects Scotland the Secretary of State, may by regulations provide for the payment by councils of counties, county boroughs and large burghs, subject to any prescribed exceptions or conditions, of compensation—

(a) to persons of such description as may be prescribed who immediately before such date as may be prescribed in relation to the description of persons
in question were employed or engaged in such full-time work as may be
prescribed and who suffer loss of employment or loss or diminution of
emoluments which is attributable to the passing of the National Insurance
Acts, 1946, the National Health Service Act, 1946, the National Health
Service (Scotland) Act, 1947, or this Act; and

(b) to persons of such descriptions as may be prescribed who, having before such
date as aforesaid been employed or engaged in such full-time work as may be
prescribed and being persons who would have been so employed or engaged
immediately before that date but for any national service (as defined in the
regulations) in which they have been engaged, lose the prospect of their re-
employment or re-engagement in any such work in consequence of the passing
of any of the said Acts,

in so far as provision is not made in that behalf by or under any other enactment.

(2) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

(3) Regulations under either of the two last foregoing subsections may provide for the
determination of questions arising under the regulations.]

Textual Amendments

| F8 | 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) |
| F42 | Ss. 60(2), 61(1) repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. XIX |

Marginal Citations

M2 1946 c. 67.
M3 1946 c. 81.
M4 1947 c. 27.

Expenses and receipts.

| F43 |

(2) All receipts under this Act of the Minister of Health, the Secretary of State . . . shall be paid into the Exchequer.]

Textual Amendments

| F8 | 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) |
| F43 | Ss. 60(2), 61(1) repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. XIX |
| F44 | Words repealed by Ministry of Social Security Act 1966 (c. 20), Sch. 8 |

Transitional provisions, consequential adaptation of enactments.

| F48 |

(1) The transitional provisions set out in the Sixth Schedule to this Act shall have effect
for the purposes of this Act.

(2) Any enactment passed before the passing of this Act which refers to or is dependent
on any provision of the existing poor law or the Unemployment Assistance Act,
1934, shall have effect subject to such adaptation as may be provided by regulations
of the Minister of Health, or as respects Scotland the Secretary of State, made not later than the expiration of five years from the coming into operation of this section, being adaptations appearing to him consequential on the cesser of the existing poor law or of the provisions of the said Act of 1934 and the replacement thereof by provisions of this Act or of any other Act of the present Session.

(3) .................................................. F45

(4) Regulations made under subsection (2) of this section shall be of no effect unless approved by resolution of each House of Parliament.]

63 Regulations, rules and orders.

<table>
<thead>
<tr>
<th>F8</th>
<th>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)</th>
</tr>
</thead>
</table>
| F45| S. 62(3) repealed by Statute Law Revision Act 1950 (c. 6) |}

Marginal Citations

63 Regulations, rules and orders.

| M5 | 1934 c. 29. |

(2) Any power conferred by this Act on a Minister of the Crown or the Treasury to make . . . F47 regulations or rules, and the powers conferred by the following provisions of this Act on the Minister of Health and the Secretary of State to make orders, shall be exercisable by statutory instrument.

(3) Any statutory instrument for exercising a power to make . . . F47 regulations or rules under this Act, . . . F47, shall be subject to annulment in pursuance of resolution of either House of Parliament.

(4) Any power conferred by this Act to make an order shall, save where the context otherwise requires, be construed as including a power, exercisable in the like manner and subject to the like conditions, to vary or revoke the order.]

64 Interpretation.

<table>
<thead>
<tr>
<th>F8</th>
<th>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)</th>
</tr>
</thead>
<tbody>
<tr>
<td>F46</td>
<td>S. 63(1) repealed by Ministry of Social Security Act 1966 (c. 20), Sch. 8</td>
</tr>
<tr>
<td>F47</td>
<td>Words repealed by Ministry of Social Security Act 1966 (c. 20), Sch. 8</td>
</tr>
</tbody>
</table>

| M5 | 1934 c. 29. |

(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“blind person” means a person so blind as to be unable to perform any work for which eyesight is essential;

“child” means a person under the age of sixteen;

“dependant” has the meaning assigned to it by section seven of this Act;
“disability” includes mental as well as physical disability;
“disabled persons’ or old persons’ home” has the meaning assigned to it by section thirty-seven of this Act;
“existing poor law” means the enactments specified in Part I of the Seventh Schedule to this Act or, as respects Scotland, such of those enactments as apply to Scotland together with the enactments specified in Part II of that Schedule;
“functions” includes powers and duties;
“hospital” has the meaning assigned to it by section seventy-nine of the National Health Service Act, 1946, or as respects Scotland by section [F48 108] of the National Health Service (Scotland) Act, [F49 1978];
“local authority”, save as provided in Part III of this Act, [F51 means the council of a county or county borough in Wales];
“prescribed” means prescribed by regulations under this Act;
“requirements” does not include any medical, surgical, optical, aural or dental requirements;
[FS3 “trade dispute” has the same meaning as in section 27 of the Social Security Contributions and Benefits Act 1992]
“voluntary organisation” means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.

(2) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any enactment, including this Act.

(3) For the purposes of this Act, a person shall be deemed, according to the law in England and Wales as well as according to the law in Scotland, not to have attained the age of sixteen years until the commencement of the sixteenth anniversary of the day of his birth.

Subordinate Legislation Made

P1 S. 64(1): s. 22(4)(with ss. 22(3) and 64(1)) power exercised by S.I.1991/686.
For previous exercises of this power see Index to Government Orders.

Textual Amendments

F8 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)
F48 “108” substituted by National Health Service (Scotland) Act 1978 (c. 29, SIF 113:2), Sch. 16 para. 3(2)
F49 “1978” substituted by National Health Service (Scotland) Act 1978 (c. 29, SIF 113:2), Sch. 16 para. 3(2)
F50 Definition of “large burgh” repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29
F51 Words in s. 64(1) substituted (1.4.2015) by The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), Sch. para. 9 (with arts. 1(3), 3) (see S.I. 2015/993, art. 2(a))
F52 Definition of “place of employment” repealed by Ministry of Social Security Act 1966 (c. 20), Sch. 8
F53 Definition of “trade dispute” in s. 64(1) substituted (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 4, 7(2), Sch. 2 para. 1
Marginal Citations
M6 1946 c. 67.

65 General provisions as to application to Scotland.

[F8] Subject to any express provision contained in this Act, the following provisions shall have effect for the general application thereof to Scotland:

F8(a) ........................................
F8(b) ........................................
F8(c) ........................................

(d) for any reference to a complaint there shall be substituted a reference to an application, and the expression “defendant” means respondent in any such application;

(e) the expression “local authority” means ... council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].

[F8(f)] any reference however expressed [F8(g)] in sections 22(2) to (8) and 26(2) to (4) of this Act [F8(h)] to accommodation provided under Part III [F8(i)] of this Act shall be construed as a reference to accommodation provided under [F8(j)]... the Social Work (Scotland) Act 1968 [F8(k)] or [F8(l)] section 25 (care and support services etc.) of the Mental Health (Care and Treatment) (Scotland) Act 2003[J.]]

Textual Amendments
F8 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)
F54 S. 65(b) repealed by Local Government (Scotland) Act 1973 (c. 65), Sch. 29
F55 S. 65(c) repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 10; S.I. 2005/910, art. 3(y)
F56 Words repealed by Ministry of Social Security Act 1966 (c. 20), Sch. 8
F57 Words in s. 65(e) substituted (S.) (1.4.1996) by virtue of 1994 c. 39, s. 180(1), Sch. 13 para. 31(6); S.I. 1996/323, art. 4(1)(b)(c)
F58 S. 65(f) added by Social Work (Scotland) Act 1968 (c. 49), Sch. 8 para. 16
F59 Words in s. 65(f) inserted (S.) (5.10.2007) by Adult Support and Protection (Scotland) Act 2007 (asp 10), ss. 62(1)(b)(i), 79(3); S.S.I. 2007/334, art. 2(b), sch. 2
F60 Word in s. 65(f) substituted (S.) (5.10.2007) by Adult Support and Protection (Scotland) Act 2007 (asp 10), ss. 62(1)(b)(ii), 79(3); S.S.I. 2007/334, art. 2(b), sch. 2
F61 Words in s. 65(f) repealed (1.4.1993) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), Sch. 9 para. 5(9)(a); S.I. 1992/2975, art. 2(2), Sch.
F62 Words inserted (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 66(1), Sch. 9 para. 5(9)(b)
F63 Words in s. 65(f) substituted (S.) (27.9.2005) by The Mental Health (Care and Treatment) (Scotland) Act 2003 (Modification of Enactments) Order 2005 (S.S.I. 2005/465), art. 1, Sch. 1 para. 2(2)

Modifications etc. (not altering text)
C11 Power to modify conferred (S.) (prosp.) by Community Care and Health (Scotland) Act 2002 (asp 5), ss. 2, 27(2)

Marginal Citations
M7 1968 c. 49.
66 Application to Isles of Scilly.

This Act shall, in its application to the Isles of Scilly, have effect subject to such exceptions, adaptations and modifications as the Minister of Health may by order direct.

Textual Amendments

F8 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)

F64 S. 66 ceases to have effect (1.4.2015) by virtue of The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), Sch. para. 10 (with arts. 1(3), 3) (see S.I. 2015/993, art. 2(a))

67 Provisions as to Northern Ireland.

Save as expressly provided therein, the provisions of this Act . . . shall not extend to Northern Ireland.

Textual Amendments

F8 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)

F65 S. 67(1) repealed by Northern Ireland Constitution Act 1973 (c. 36), Sch. 6 Pt. I

F66 Words repealed by Northern Ireland Constitution Act 1973 (c. 36), Sch. 6 Pt. I

68 Short title and commencement.

(1) This Act may be cited as the National Assistance Act, 1948.

(2) This Act shall come into operation on such day as the Minister of Health, or as respects Scotland the Secretary of State, may by order appoint, and different days may be appointed in relation to different provisions of this Act.

Modifications etc. (not altering text)

C12 Power of appointment conferred by s. 68(2): fully exercised by S.I. 1948/1218 and S.I. 1949/1621
Changes to legislation:
There are currently no known outstanding effects for the National Assistance Act 1948, Part IV.