



National Assistance Act 1948

1948 CHAPTER 29

PART IV

GENERAL AND SUPPLEMENTARY.

Recovery of Expenses.

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

- (1) Where assistance is given or applied for by reference to the requirements of any person (in this section referred to as a person assisted), the Board or the local authority concerned may make a complaint to the court against any other person who for the purposes of this Act is liable to maintain the person assisted.
- (2) On a complaint under this section the court shall have regard to all the circumstances and in particular to the resources of the defendant, and may order the defendant to pay such sum, weekly or otherwise, as the court may consider appropriate.
- (3) For the purposes of the application of the last foregoing subsection to payments in respect of assistance given before the complaint was made, a person shall not be treated as having at the time when the complaint is heard any greater resources than he had at the time when the assistance was given.
- (4) In this section the expression " assistance " means an assistance grant, assistance in kind or assistance given under section ten of this Act (hereinafter referred to as " assistance under Part II of this Act "), or the provision of accommodation under Part III of this Act (hereinafter referred to as " assistance under Part III of this Act "); and the expression " the court " means a court of summary jurisdiction- having jurisdiction in the place where the assistance was given or applied for.
- (5) Payments under subsection (2) of this section shall be made—
 - (a) to the Board or the local authority concerned, in respect of the cost of assistance, whether given before or after the making of the order, or
 - (b) to the applicant for assistance or any other person being a person assisted, or

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- (c) to such other person as appears to the court expedient in the interests of the person assisted,
or as to part in one such manner and as to part in another, as may be provided by the order.
- (6) The payments to be made to the Board or a local authority under this section shall (irrespective of the recipient thereof) be applied as follows, that is to say—
- (a) payments in respect of any period during which the person assisted was in receipt of assistance both under Part II of this Act and also under Part III thereof shall inure for the benefit of the Board up to an amount equal to the cost of the assistance under Part II of this Act, and the balance, if any, shall inure for the benefit of the local authority giving the assistance under Part III of this Act,
 - (b) payments in respect of any other period shall inure for the benefit of the Board or local authority giving assistance,
- and such adjustments shall be made between the Board and local authorities as may be requisite for giving effect to the foregoing provisions of this subsection.