



Health Services and Public Health Act 1968

1968 CHAPTER 46

PART IV

MISCELLANEOUS MATTERS

Provisions applicable to England and Wales and Scotland

65 Financial and other assistance by local authorities to certain voluntary organisations.

- (1) A local authority may give assistance by way of grant or by way of loan, or partly in the one way and partly in the other, to a voluntary organisation whose activities consist in, or include, the provision of a service similar to a relevant service, the promotion of the provision of a relevant service or a similar one, the publicising of a relevant service or a similar one or the giving of advice with respect to the manner in which a relevant service or a similar one can best be provided, . . . ^{F1}.
- (2) A local authority may also assist any such voluntary organisation as aforesaid by permitting them to use premises belonging to the authority on such terms as may be agreed, and by making available furniture, vehicles or equipment (whether by way of gift, or loan or otherwise) and the services of any staff who are employed by the authority in connection with the premises or other things which they permit the organisation to use, . . . ^{F2}
- (3) In this section—
 - (a) “local authority” (except where used in the expression “public or local authority”) means the council of a county, [^{F3}other than a metropolitan county, or of a [^{F4}county borough,] metropolitan district] or London borough or the Common Council of the City of London;
 - [^{F5}(b) “the relevant enactments” means—
 - (i) Parts III and IV of the ^{M1}Children and Young Persons Act 1933,

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- ^{F6}(ii)
- ^{F7}(iii)
- ^{F8}(iv)
- (v) the ^{M2}Adoption Act 1958,
- (vi) section 3 of the ^{M3}Disabled Persons (Employment) Act 1958,
[the ^{M4}Children Act 1958,]
- ^{F9}(vii)
[section 9 of the ^{M5}Mental Health Act 1959,]
- ^{F10}(viii)
(ix) section 10 of the Mental Health Act 1959, so far as it relates to cases mentioned in paragraph (a) of that section,
[section 9 of the ^{M6}Domestic Proceedings and Magistrates’ Courts Act ^{F11}(x) 1978],
- (xi) the ^{M7}Children and Young Persons Act 1963, except Part II and section 56,
- (xii) this Act,
- (xiii) the ^{M8}Adoption Act 1968,
- (xiv) section 7(4) of the ^{M9}Family Law Reform Act 1969,
- (xv) the ^{M10}Children and Young Persons Act 1969,
- (xvi) section 43 of the ^{M11}Matrimonial Causes Act 1973,
- ^{F12}(xvii)
- (xviii) the ^{M12}Children Act 1975,
[[^{F14}the Adoption and Children Act 2002]],
- ^{F13}(xix)
[[^{F16}the National Health Service Act 2006 and the National Health ^{F15}(xix) Service (Wales) Act 2006]],
[the Children Act 1989],
- ^{F17}(xxi)
^{F18}(xxii) [^{F19}Chapter 1 of Part 9 of the Sentencing Code or] Part 1 of the Criminal Justice and Immigration Act 2008;]
[section 15 and Part 4 of the Social Services and Well-being (Wales) ^{F20}(xxiii) Act 2014;]]
- (c) “relevant service” means a service the provision of which must or may, by virtue of the relevant enactments, be secured by a local authority; and
- (d) “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.
- (4) The foregoing provisions of this section shall have effect in place of the following provisions authorising the giving of assistance to voluntary organisations, namely, sections 22(5) and 28(3) and (so far as it relates to such organisations) section 63 of the ^{M13}National Health Service Act 1946, sections 26(6) and 30(2) of the ^{M14}National Assistance Act 1948, sections 45(4) and 46(3) of the ^{M15}London Government Act 1963 and, except in so far as it applies to the councils of county districts, section 31(3) of the National Assistance Act 1948.
- (5) Subsection (1) of section 46 of the ^{M16}Local Government Act 1958 shall have effect as if the functions of councils of counties which may, under schemes made under that section, be exercisable by the councils of county districts, included functions under this section of the first mentioned councils.

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(6) This section (except in so far as it relates to the Greater London Council) shall have effect in Scotland as if for subsections (3), (4) and (5) thereof, there were substituted the following subsections:—

“(2A) Without prejudice to the powers conferred on local authorities by the foregoing provisions of this section, a [^{F21}local authority] may assist any voluntary organisation whose activities consist in or include the provision of meals or recreation for old people to provide such meals or such recreation by contributing to the funds of the organisation, by permitting them to use premises belonging to the [^{F21}local authority] on such terms as may be agreed, and by making available furniture, vehicles or equipment (whether by way of gift or loan or otherwise) and the services of any staff who are employed by the [^{F21}local authority] in connection with the premises or other things which they permit the organisation to use.

F22

(2B) In this section—

(a) “local authority” (except where used in the expression “public or local authority”) means, [^{F23}the [^{F24}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994]];

^{F25}(b)

[^{F26}(c) “the relevant enactments” means the National Health Service (Scotland) Acts [^{F27}1978], Part III of the National Assistance Act 1948 and section 3 of the Disabled Persons (Employment) Act 1958;]

(d) “relevant service” means a service the provision of which must or may, by virtue of the relevant enactments, be secured by a local authority; and

(e) “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.

(2C) This section shall have effect in place of the following provisions authorising the giving of assistance to voluntary organisations, namely, sections 22(3) and 27(3) and (so far as it authorises local health authorities to give assistance to such organisations) section 63 of the National Health Service (Scotland) Act 1947, and section 26(6), 30(2) and 31(3) of the National Assistance Act 1948”

Textual Amendments

- F1** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**
- F2** Words repealed by [National Health Service Reorganisation Act 1973 \(c. 32\)](#), **Sch. 5**
- F3** Words substituted by [Local Government Act 1972 \(c. 70\)](#), **Sch. 23 para. 15(4)**
- F4** Words in s. 65(3)(a) inserted (1.4.1996) by 1994 c. 19, s. 22(4), **Sch. 10 para. 5(3)** (with ss. 54(5)(7), 55(5), **Sch. 17 paras. 22(12), 23(2)**); S.I. 1996/396, art. 3, **Sch. 1**
- F5** s. 65(3)(b) substituted by [Children Act 1975 \(c. 72\)](#), **Sch. 3 para. 47**
- F6** S. 65(3)(b)(ii) repealed by [National Health Service Act 1977 \(c. 49\)](#), **Sch. 16**
- F7** S. 65(3)(b)(iii) omitted (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), **17(a)**
- F8** S. 65(3)(b)(iv) repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), s. 89, **Sch. 6**
- F9** S. 65(3)(b)(vii) which was substituted (E.W.) by [Foster Children Act 1980 \(c. 6, SIF 20\)](#), s. 23(2), **Sch. 2 Pt. I** was repealed (E.W.) (14. 10. 1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(6)(7), **Sch. 15**

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- (with Sch. 14 paras. 1(1), 27(4); S.I. 1991/828, **art. 3(2)**); the Children Act 1958 was repealed (S.) by Foster Children (Scotland) Act 1984 c. 56, s. 22, **Sch. 3** and the reference to the Children Act 1958 should be construed in accordance with the Interpretation Act 1978 (c. 30, SIF 115:1), **s. 17(2)(a)**.
- F10** S. 65(3)(b)(viii)(x) repealed (E.W.) (*14. 10. 1991*) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch. 15** (with Sch. 14 paras. 1(1), **27(4)**); S.I. 1991/828, **art. 3(2)**.
- F11** S. 65(3)(b)(x) substituted by Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22), s. 89, **Sch. 2 para. 23**
- F12** S. 65(3)(b)(xvii) repealed by National Health Service Act 1977 (c. 49), **Sch. 16**
- F13** S. 65(3)(b)(xix) added by Adoption Act 1976 (c. 36), s. 74(2), **Sch. 3 Pt. I para. 10**
- F14** Words in s. 65(3)(b) substituted (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 3 para. 11** (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F15** S. 65(3)(b)(xix) added by National Health Service Act 1977 (c. 49), **Sch. 15**
- F16** Words in s. 65(3)(b) substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 1 para. 40** (with Sch. 3 Pt. 1)
- F17** S. 65(3)(b)(xxi) substituted (E.W.) (*14. 10. 1991*) for s. 65(3)(b)(xx) (which was added (E.W.) by Child Care Act 1980 (c. 5, SIF 20), s. 89, **Sch. 5 para. 20**), by Children Act 1989 (c. 41, SIF 20), s. 108(5)(6), **Sch. 13 para. 17(2)** (with **Sch. 14 para. 1(1)**); S.I. 1991/828, **art. 3(2)**.
- F18** S. 65(3)(b)(xxii) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), **Sch. 4 para. 10** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(iii)
- F19** Words in s. 65(3)(b)(xxii) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 19** (with Sch. 27); S.I. 2020/1236, reg. 2
- F20** S. 65(3)(b)(xxiii) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **17(b)**
- F21** S. 65(6): words in substituted subsection (2A) substituted (S.) (1.4.1996) by virtue of 1994 c. 39, s. 180(1), **Sch. 13 para. 74(3)(a)**; S.I. 1996/323, **art. 4(1)(c)**
- F22** Para. repealed by Local Government (Scotland) Act 1973 (c. 65), **Sch. 29**
- F23** Words substituted by Local Government (Scotland) Act 1973 (c. 65) Sch. 27 Pt. II para. 175(b)
- F24** S. 65(6): words in substituted subsection (2B)(a) substituted (S.) (1.4.1996) by virtue of 1994 c. 39, s. 180(1), **Sch. 13 para. 74(3)(b)**; S.I. 1996/323, **art. 4(1)(c)**
- F25** S. 65(6)(2B)(b) repealed by Local Government (Scotland) Act 1973 (c. 65) Sch. 29
- F26** S. 65(6)(2B)(c) substituted by National Health Service (Scotland) Act 1972 (c. 58), **Sch. 6 para. 137**
- F27** Words substituted by National Health Service (Scotland) Act 1978 (c. 29), **Sch. 16 para. 28**

Modifications etc. (not altering text)

- C1** S. 65 restricted (S.) by Social Work (Scotland) Act 1968 (c. 49), **s. 10(5)**

Marginal Citations

- M1** 1933 c. 12.
M2 1958 c. 5 (7 & 8 Eliz. 2).
M3 1958 c. 33 (6 & 7 Eliz. 2).
M4 1958 c. 65
M5 1959 c. 72.
M6 1978 c. 22.
M7 1963 c. 37.
M8 1968 c. 53.
M9 1969 c. 46.
M10 1969 c. 54.
M11 1973 c. 18.
M12 1975 c. 72.
M13 1946 c. 81.
M14 1948 c. 29.
M15 1963 c. 33.

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M16 1958 c. 55.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 59(2D) inserted by [S.I. 2006/1056 Sch. para. 1\(2\)\(c\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))
- s. 63(2)(aa) words inserted by [S.I. 2006/1056 Sch. para. 1\(3\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))