



# Local Authority Social Services Act 1970

## 1970 CHAPTER 42

### **1 Local authorities**

The local authorities for the purposes of this Act shall be the councils of counties, county boroughs and London boroughs and the Common Council of the City of London.

### **2 Local authority to establish social services committee**

- (1) Every local authority shall establish a social services committee and, subject to subsection (3) below, there shall stand referred to that committee all matters relating to the discharge by the authority of—
  - (a) their functions under the enactments specified in the first column of Schedule 1 to this Act (being the functions which are described in general terms in the second column of that Schedule); and
  - (b) such other of their functions as, by virtue of the following subsection, fall within the responsibility of the committee.
- (2) The Secretary of State may by order designate functions of local authorities under any other enactment for the time being in force as being appropriate for discharge through a local authority's social services committee other than functions which by virtue of that or any other enactment are required to be discharged through some other committee of a local authority ; and any functions designated by an order under this section which is for the time being in force shall accordingly fall within the responsibility of the social services committee.
- (3) Matters relating to the discharge by a local authority of the following functions of the authority, that is to say—
  - (a) functions under section 22 of the National Health Service Act 1946 (care of certain mothers and young children) relating to the dental care of such mothers and children as are mentioned in subsection (1) of that section ; and
  - (b) any other functions under subsection (1) or (2) of the said section 22 specified in a direction given under subsection (4) below and for the time being in force, and any functions under section 12 of the Health Services and Public

---

*Status: This is the original version (as it was originally enacted).*

---

Health Act 1968 (prevention of illness and care and after-care of the sick) so specified,

shall not stand referred to a local authority's social services committee.

- (4) The Secretary of State may direct that such of the functions mentioned in subsection (3)(b) above as are specified in the direction, being functions which appear to him to be mainly medical in nature, shall stand referred to the health committee of a local authority.
- (5) A direction given under subsection (4) above may apply either to local authorities generally or to particular local authorities specified in the direction and may be revoked or varied by a subsequent direction so given.
- (6) A matter which by this section stands referred to a local authority's social services committee shall not be included among the matters which stand referred to the authority's health committee under Part II of Schedule 4 to the National Health Service Act 1946.
- (7) Section 33(2) of the National Assistance Act 1948 and Schedule 3 to that Act (establishment of committees or joint boards for the purposes of the functions of local authorities under Part III of that Act) and section 39 of the Children Act 1948 (establishment of children's committees of local authorities), shall cease to have effect.

### **3 Business of social services committee**

- (1) Except with the consent of the Secretary of State (which may be given either generally or with respect to a particular authority) or as provided by this section, no matter, other than a matter which by virtue of section 2 of this Act stands referred to a local authority's social services committee, shall be referred to, or dealt with by, the committee.
- (2) A local authority may refer to their social services committee a matter arising in connection with the authority's functions under—
  - (a) section 5(1)(c) of the Health Visiting and Social Work (Training) Act 1962 (research into matters relating to functions of local health authorities), or
  - (b) section 65 of the Health Services and Public Health Act 1968 (financial and other assistance to voluntary organisations),
 and appearing to the authority to relate to their social services ; and a matter which by virtue of paragraph (a) above is referred to a local authority's social services committee shall not stand referred to the authority's health committee under Part II of Schedule 4 to the National Health Service Act 1946.
- (3) A local authority may delegate to their social services committee any of their functions matters relating to which stand referred to the committee by virtue of section 2 of this Act or this section (hereafter in this Act referred to as " social services functions ") and, before exercising any of those functions themselves, the authority shall (unless the matter is urgent) consider a report of the committee with respect to the matter in question.
- (4) Nothing in section 2 of this Act or this section prevents a local authority from referring to a committee other than their social services committee a matter which by virtue of either of those sections stands referred to the social services committee and which in the authority's opinion ought to be referred to the other committee on the ground that it relates to a general service of, the authority; but before referring any such matter

the authority shall receive and consider a report of the social services committee with respect to the subject matter of the proposed reference.

#### **4 Joint committees and sub-committees**

- (1) Two or more local authorities may, instead of establishing social services committees for themselves, concur in establishing a joint social services committee; and references in this Act to a local authority's social services committee shall, in relation to an authority which has so concurred with another or others, be construed as references to the joint committee, except where the context otherwise requires.
- (2) A social services committee may, subject to any restrictions imposed by the local authority or, as the case may be, the local authorities concurring in the establishment of the committee, establish sub-committees and delegate to them any of the functions of the committee.
- (3) The social services committees of two or more local authorities may concur in the establishment of joint subcommittees and may, subject to any restrictions imposed by the local authorities concerned, delegate to them any of the functions of either or any of the committees.

#### **5 Membership of committees and sub-committees**

- (1) Subject to subsection (3) below, the members of a local authority's social services committee may include persons who are not members of the authority or, as the case may be, of any authority concurring in the establishment of the committee, provided that they are not disqualified from being members of that authority or any such authority.
- (2) Subject to subsection (3) below, a social services committee may, if authorised to do so by the local authority or, as the case may be, the local authorities concurring in the establishment of the committee and subject to any restrictions imposed by that authority or those authorities, co-opt persons to serve as members of the committee, provided that they are not disqualified from being members of that authority or any of the said authorities.
- (3) At least a majority of the members of a local authority's social services committee shall be members of that authority or, as the case may be, of the authorities concurring in the establishment of the committee.
- (4) The members of a sub-committee established under section 4(2) of this Act—
  - (a) shall include at least one member of the local authority or, as the case may be, of each of the local authorities concerned; and
  - (b) may include persons who are not members of the social services committee, provided that they are not disqualified from being members of the local authority or, as the case may be, of any of the said authorities.
- (5) The members of a joint sub-committee established under section 4(3) of this Act—
  - (a) shall include at least one member of each of the local authorities concerned; and
  - (b) may include persons who are not members of any social services committee concurring in the establishment of the sub-committee, provided that they are not disqualified from being members of any of the said authorities.

- (6) In this section " disqualified " means disqualified under section 59 of the Local Government Act 1933 (which relates to office-holders under local authorities, bankrupts, persons who have been convicted, etc.).

## **6 The director of social services**

- (1) A local authority shall appoint an officer, to be known as the director of social services, for the purposes of their social services functions.
- (2) Two or more local authorities may, if they consider that the same person can efficiently discharge, for both or all of them, the functions of director of social services, concur in the appointment of a person as director of social services for both or all of those authorities.
- (3) The Secretary of State may make regulations prescribing the qualifications requisite for a person's appointment as a local authority's director of social services.
- (4) Until the first coming into force of regulations made under subsection (3) above, a local authority shall not appoint, nor concur in the appointment of, a director of social services except after consultation with the Secretary of State ; and—
- (a) for the purpose of such consultation an authority shall send to the Secretary of State particulars of the name, age, experience and qualifications of each of the persons from whom a selection is proposed to be made; and
  - (b) if the Secretary of State is of opinion that any of those persons is not a fit person to be the director of social services, he may give directions prohibiting his appointment.
- (5) The director of social services of a local authority shall not, without the approval of the Secretary of State (which may be given either generally or in relation to a particular authority), be employed by that authority in connection with the discharge of any of the authority's functions other than their social services functions.
- (6) A local authority which have appointed, or concurred in the appointment of, a director of social services, shall secure the provision of adequate staff for assisting him in the exercise of his functions.
- (7) The authority or authorities appointing a director of social services may pay to him such reasonable remuneration as they may determine; and he shall hold office during their pleasure.
- (8) Section 41 of the Children Act 1948 (appointment of children's officer) shall cease to have effect.

## **7 Local authorities to exercise social services functions under guidance of Secretary of State**

- (1) Local authorities shall, in the exercise of their social services functions, including the exercise of any discretion conferred by any relevant enactment, act under the general guidance of the Secretary of State.
- (2) Subsection (1) above shall not affect a local authority's duty to exercise their functions under—
- (a) sections 21 and 24 of the National Assistance Act 1948 (provision of residential or temporary accommodation for the aged, infirm, etc.), or

- (b) section 29 of that Act (welfare of the handicapped), or
- (c) section 3 of the Disabled Persons (Employment) Act 1958 (provision for employment and training of persons who are seriously disabled),

in accordance with any scheme under any of those sections which is in force with the approval of a Minister of the Crown given under section 34 of the said Act of 1948 or in accordance with a scheme made by a Minister of the Crown under the said section 34.

The foregoing provision is without prejudice to subsection (2) of section 2 of the Chronically Sick and Disabled Persons Act 1970 (which excludes arrangements made in pursuance of subsection (1) of the said section 2 and certain other arrangements from the requirement that arrangements made by a local authority under section 29 of the said Act of 1948 shall be carried into effect in accordance with a scheme made thereunder).

- (3) Subsection (1) above shall not affect a local authority's duty to carry out their duties under—
  - (a) section 22 of the National Health Service Act 1946 (care of certain mothers and young children), or
  - (b) section 12 of the Health Services and Public Health Act 1968 (prevention of illness and care and aftercare of the sick),

in accordance with proposals approved or made by a Minister of the Crown under section 20 of the said Act of 1946.

## **8 Accounts of certain local authorities**

- (1) The council of a county borough may, if they think it convenient so to do, keep separate accounts of the sums received and expended by them in the exercise of their social services functions.
- (2) Accounts kept under this section shall be made up and audited in like manner as the accounts of a county council.
- (3) 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 keep under this section as they have effect in relation to the accounts of a county council.
- (4) The foregoing provisions of this section shall apply to the Common Council of the City of London and to accounts kept by that council under this section as they apply to the council of a county borough and to accounts kept by such a council thereunder.
- (5) Section 49 of the Children Act 1948 (certain councils required to keep separate accounts of sums received and expended by them in exercising functions under the enactments relating to children and young persons) and, in so far as they relate to social services functions, section 55 (1) of the National Health Service Act 1946 (similar provision relating to functions of certain local health authorities) and section 59 of the National Assistance Act 1948 (similar provision relating to functions of certain councils under that Act) shall not apply to the council of a county borough who keep accounts under this section or, if the Common Council of the City of London keep accounts thereunder, to that council.
- (6) Section 49 of the Children Act 1948 shall cease to apply to London borough councils.

## **9 Protection of interests, etc. of local authority staffs**

- (1) The Secretary of State shall by order make provision for the protection of the interests of any existing staff affected by the provisions of section 2 or 6 of this Act, and that order may contain provisions applying, amending or repealing any provision made by or under any enactment and relating to the conditions of service of, or the payment of superannuation or other benefits to or in respect of, existing staff.
- (2) Regulations under section 60(2) of the Local Government Act 1958 (provision to be made by regulations for the payment of compensation in certain cases) may make provision in relation to persons who suffer loss of employment or loss or diminution of emoluments which is attributable to the provisions of section 2 or 6 of this Act.
- (3) Regulations made by virtue of subsection (2) above may be so framed as to have effect from a date earlier than that on which they are made, so however that so much of any regulations as provides that any provision thereof is to have effect from a date earlier than that on which they are made shall not place any person (other than the person required by the regulations to pay compensation) in a worse position than he would have been in if the regulations had been so framed as to have effect only as from the date on which they are made.
- (4) In this section " existing staff " means—
  - (a) persons who both immediately before and immediately after the coming into force in the area of a local authority of section 2 or 6 of this Act are employed by the authority in connection with the discharge by the authority of any function which immediately after the coming into force in that area of the said section 2 or 6, as the case may be, is a social services function of the authority ; and
  - (b) persons who both immediately before and immediately after the coming into force in the area of a local authority of—
    - (i) an order under section 2(2) of this Act, or
    - (ii) a direction under section 2(4) thereof, not being a direction which comes into force in that area on the same date as that on which that section comes into force therein,are employed by the authority in connection with the discharge by the authority of any function to which the order or direction, as the case may be, relates.

## **10 Delegation schemes to be revoked, so far as they relate to social services functions**

- (1) After the date of the coming into force of this section no delegation scheme shall be made under section 46 of the Local Government Act 1958 (certain functions of a county council, so far as they relate to a county district for which a delegation scheme under that section is in force, to be exercisable by the council of that district on behalf of the county council) and no steps shall be taken under section 47 of that Act (procedure for bringing a delegation scheme into operation) to bring into operation any scheme which is not in operation on that date.
- (2) The council of a county district for which a delegation scheme is in force immediately before the said date shall, within such period as the Secretary of State may direct, make in accordance with section 48(1) of the said Act of 1958 a subsequent scheme varying the delegation scheme by revoking it in so far as it relates to functions which at the

time when the scheme is made are social services functions of the county council by virtue of section 2 of this Act.

- (3) Subsection (2) above shall not be taken as affecting the power of the council of a county district under the said section 48(1) to revoke a delegation scheme, whether such a delegation scheme as is referred to in subsection (2) above or that scheme as varied in accordance with that subsection.
- (4) A direction given under subsection (2) above may prescribe different periods for different counties or for different county districts in a county and may be varied by a subsequent direction so given.
- (5) Section 47(3) of the said Act of 1958 (which, as applied by section 48(1) of that Act, specifies the times at which subsequent schemes under section 48(1) may be made), and section 51 of that Act (which enables delegation schemes to be made by certain joint boards), shall cease to have effect.
- (6) In section 46(5) of the said Act of 1958 (which provides that the power of a county council, in the exercise of functions to which a delegation scheme relates, to make contributions to voluntary organisations may be exercised by the county council as well as by the council of the county district for which the scheme is in force) for the words " make contributions to voluntary organisations " there shall be substituted the words " assist voluntary organisations in any manner mentioned in subsection (1) or (2) of section 65 of the Health Services and Public Health Act 1968 ".

## **11 Amendment of Health Visiting and Social Work (Training) Act 1962**

- (1) The two Councils constituted under the Health Visiting and Social Work (Training) Act 1962 shall be re-named respectively the Council for the Education and Training of Health Visitors and the Central Council for Education and Training in Social Work and, accordingly, for the words " Council for the Training of Health Visitors " and " Council for Training in Social Work ", wherever they occur in that Act, there shall be substituted respectively the words " Council for the Education and Training of Health Visitors " and " Central Council for Education and Training in Social Work ".
- (2) For paragraph 2 of Schedule 1 to the said Act of 1962 (which requires the Privy Council to appoint one person to be chairman of both the Council for the Training of Health Visitors and the Council for Training in Social Work) there shall be substituted—

“2 The chairman of each Council shall be appointed by the Privy Council”;

and in paragraph 12 of that Schedule (term of office of the chairman of the Councils) for the words " the Councils " there shall be substituted the words " each Council ".

## **12 Isles of Scilly**

- (1) The Secretary of State may by order direct that this Act shall have effect as if the Council of the Isles of Scilly were a local authority for the purposes of this Act.
- (2) In its application to the Isles of Scilly by virtue of an order made under this section, this Act shall have effect with such modifications as may be specified in the order.

### **13 Orders and regulations**

- (1) Orders and regulations of the Secretary of State under this Act shall be made by statutory instrument.
- (2) Any order made under any provision of this Act, except an order under section 14(3), may be varied or revoked by a subsequent order so made.
- (3) In the case of a statutory instrument containing an order under section 2(2) or 14(3) of this Act or regulations under section 6(3) thereof, a draft of the instrument shall be laid before Parliament, and an instrument containing an order under the said section 2(2) shall not be made unless the draft has been approved by a resolution of each House of Parliament.
- (4) A statutory instrument containing an order under section 9(1) or 12 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Any order or regulations under this Act may be made so as to apply to England only or to Wales only.

For the purposes of this subsection, Monmouthshire shall be deemed to be part of Wales and not of England.

### **14 Minor and consequential amendments, repeals and saving for certain schemes**

- (1) The enactments specified in Schedule 2 to this Act shall have effect subject to the amendments specified in relation thereto in that Schedule, being minor amendments and amendments consequential on the provisions of this Act.
- (2) The enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.
- (3) The Secretary of State may by order repeal or amend any provision in any local Act, including an Act confirming a provisional order, or in an instrument in the nature of a local enactment under any Act, where it appears to him that that provision is inconsistent with, or has become unnecessary or requires modification in consequence of, any provision of this Act or corresponds to any provision repealed by this Act.
- (4) Nothing in paragraph 7 of Schedule 2 to this Act or in any provision of Schedule 3 thereto shall affect any delegation scheme made under section 46 of the Local Government Act 1958 and in force immediately before the coming into force of section 10 of this Act until the date on which a scheme made in pursuance of subsection (2) of the said section 10 and varying that delegation scheme comes into operation, and until that date the delegation scheme shall have effect, and the functions to which it relates shall be exercisable in accordance with it, as if this Act had not passed.

### **15 Citation, interpretation, commencement and extent**

- (1) This Act may be cited as the Local Authority Social Services Act 1970.
- (2) In this Act " functions " includes powers and duties and " social services functions " has the meaning given by section 3(3) of this Act.



- (3) Any reference in this Act to an enactment shall be construed as including a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.
- (4) This Act shall come into force on a day appointed by the Secretary of State by order; and different days may be so appointed for different provisions of this Act.
- (5) If it appears to the Secretary of State desirable in the interest of the efficient discharge of the functions of a particular local authority to postpone the coming into force of any provision of this Act in the area of that authority, the Secretary of State may by an order under subsection (4) above relating to that provision either appoint a different day later in date for the coming into force of that provision in the area of that authority or except that area from the operation of the order and make a subsequent order under that subsection appointing a day for the coming into force of that provision in that area.
- (6) This Act, except section 11, shall not extend to Scotland.
- (7) This Act, except section 11 and this subsection, shall not extend to Northern Ireland; the amendments of the Health Visiting and Social Work (Training) Act 1962 made by section 11 shall be treated for the purposes of section 6 of the Government of Ireland Act 1920 (which restricts the power of the Parliament of Northern Ireland to alter Acts of the Parliament of the United Kingdom passed after the day appointed for the purposes of that section) as having been made by an Act passed before that day.