



# Chronically Sick and Disabled Persons Act 1970

## 1970 CHAPTER 44

### *Provisions with respect to persons under65*

#### **17 Separation of younger from older patients.**

- (1) [<sup>F1</sup>The Welsh Ministers] and every [<sup>F2</sup>Health Board constituted under the <sup>M1</sup>National Health Service (Scotland) Act [<sup>F3</sup>1972][<sup>F3</sup>1978]] shall use their best endeavours to secure that, so far as practicable, in any hospital for which they are responsible a person who is suffering from a condition of chronic illness or disability and who—
- (a) is in the hospital for the purpose of long-term care for that condition; or
  - (b) normally resides elsewhere but is being cared for in the hospital because—
    - (i) that condition is such as to preclude him from residing elsewhere without the assistance of some other person; and
    - (ii) such assistance is for the time being not available,
- is not cared for in the hospital as an in-patient in any part of the hospital which is normally used wholly or mainly for the care of elderly persons, unless he is himself an elderly person.
- <sup>X1</sup>[<sup>F4</sup>(2) Each such Board as aforesaid shall provide [<sup>F5</sup>The Welsh Ministers] in such form and at such times as he may direct with such information as he may from time to time require as to any persons to whom subsection (1) of this section applied who, not being elderly persons, have been cared for in any hospital for which that Board are responsible in such a part of the hospital as is mentioned in that subsection; and [<sup>F5</sup>The Welsh Ministers] shall in each year lay before [<sup>F6</sup>the National Assembly for Wales] such statement in such form [<sup>F7</sup>as they consider] appropriate of the information obtained by him under this subsection.]
- <sup>X1</sup>[<sup>F4</sup>(2) [<sup>F5</sup>The Welsh Ministers] shall in each year lay before [<sup>F6</sup>the National Assembly for Wales] a statement, in such form [<sup>F7</sup>as they consider] appropriate, of information as to any persons to whom subsection (1) of this section applied who, not being elderly persons, have during the preceding year been cared for in a hospital vested [<sup>F8</sup>in them] and in such part of the hospital as is mentioned in that subsection.]

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- (3) In this section “elderly person” means a person who is aged sixty-five or more or is suffering from the effects of premature ageing.

#### Editorial Information

- X1** S. 17 subsection (2) commencing “The Secretary of State” substituted (E.W.) for subsection (2) commencing “Each such Board” by [National Health Service Reorganisation Act 1973 \(c. 32\), s. 57, Sch. 4 para. 132\(2\)](#)

#### Textual Amendments

- F1** Words in s. 17(1) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 5 para. 16\(2\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F2** Words substituted by [National Health Service \(Scotland\) Act 1972 \(c. 58\), Sch. 6 para. 146](#)
- F3** “1978” substituted (S.) for “1972” by [National Health Service \(Scotland\) Act 1978 \(c. 29, SIF 38\), Sch. 16 para. 33](#)
- F4** S. 17 subsection (2) commencing “The Secretary of State” substituted (E.W.) for subsection (2) commencing “Each such Board” by [National Health Service Reorganisation Act 1973 \(c. 32\), s. 57, Sch. 4 para. 132\(2\)](#)
- F5** Words in s. 17(2) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 5 para. 16\(3\)\(a\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** Words in s. 17(2) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 5 para. 16\(3\)\(b\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F7** Words in s. 17(2) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 5 para. 16\(3\)\(c\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** Words in s. 17(2) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\), s. 306\(4\), Sch. 5 para. 16\(3\)\(d\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)

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

- C1** S. 17: transfer of functions (E.) (1.4.2001) by S.I. 2001/747, regs. 2(1), 3, 4, [Sch. 1](#)
- C2** S. 17 functions made exercisable by Local Health Boards (E.W.) (1.10.2009) by [The Local Health Boards \(Directed Functions\) \(Wales\) Regulations 2009 \(S.I. 2009/1511\), regs. 1\(2\), 4, Schs.](#)

#### Marginal Citations

- M1** 1972 c. 58.

### <sup>F9</sup>18 Information as to accommodation of younger with older persons under Part III of National Assistance Act 1948.

- (1) The Secretary of State shall take steps to obtain from local authorities having functions under Part III of the <sup>M2</sup>National Assistance Act 1948 information as to the number of persons under the age of 65 appearing to the local authority in question to be persons to whom section 29 of that Act applies for whom residential accommodation is from time to time provided under section 21(1)( a ) or 26(1)( a ) of that Act at any premises in a part of those premises in which such accommodation is so provided for persons over that age.
- (2) The Secretary of State shall take steps to obtain from local authorities [<sup>F10</sup>, in respect of their functions both under the Social Work (Scotland) Act 1968 and under the Children (Scotland) Act 1995,] information as to the number of persons under the age of 65 who suffer from illness or mental disorder within the meaning of [<sup>F11</sup>section 6 of the <sup>M3</sup>Mental Health (Scotland) Act 1960][<sup>F12</sup>[<sup>F11</sup>section 1(2) of the

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Mental Health (Scotland) Act 1984]]<sup>F12</sup>section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003]] or are substantially handicapped by any deformity or disability and for whom residential accommodation is from time to time provided under section 59 of the said Act of 1968 at any premises in a part of those premises in which such accommodation is so provided for persons over that age.

- (3) Every local authority referred to in this section shall provide the Secretary of State in such form and at such times as he may direct with such information as he may from time to time require for the purpose of this section; and the Secretary of State shall in each year lay before each House of Parliament such statement in such form as he considers appropriate of the information obtained by him under this section.]

#### Textual Amendments

- F9** S. 18 repealed (4.10.2001 in so far as it relates to the repeal of subsections (1) and (3) for E. and otherwise<sup>prosp.</sup>) by 2000 c. 14, ss. 117(2), 122, **Sch. 6**; S.I. 2001/3331, **art. 2**
- F10** Words in s. 18(2) substituted (S.) (1.4.1997) by 1995 c. 36, s. 105(4), **Sch. 4 para. 17(2)** (with **Sch. 3** paras. 4, 6); S.I. 1996/3201, **art. 3(7)**
- F11** Words commencing “section 1(2)” substituted (S.) for words commencing “section 6” by **Mental Health (Scotland) Act 1984** (c. 36, SIF 85), s. 127(1), **Sch. 3 para. 19**
- F12** Words in s. 18(2) substituted (S.) (27.9.2005) by **Mental Health (Care and Treatment) (Scotland) Act 2003** (Modification of Enactments) Order 2005 (S.S.I. 2005/465), art. 1, **Sch. 1 para. 5(2)**

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

- C3** S. 18 extended by **Local Authority Social Services Act 1970** (c. 42), s. 2(1), **Sch. 1**

#### Marginal Citations

- M2** 1948 c. 29.  
**M3** 1960 c. 61.

19 ..... <sup>F13</sup>

#### Textual Amendments

- F13** S. 19 repealed by **National Health Service Reorganisation Act 1973** (c. 32), s. 57, **Sch. 5**

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