



# Health and Social Services and Social Security Adjudications Act 1983

## 1983 CHAPTER 41

### PART I

#### COMMUNITY CARE

#### 1 Joint financing of community services in England and Wales

The following sections shall be substituted for section 28A of the National Health Service Act 1977—

**“28A Power to make payments towards expenditure on community services.**

- (1) This section applies to the following authorities—
  - (a) a District Health Authority ; and
  - (b) a special health authority established for a London Post-Graduate Teaching Hospital.
- (2) An authority to whom this section applies may, if they think fit, make payments—
  - (a) to a local social services authority towards expenditure incurred or to be incurred by them in connection with any function which, by virtue of section 2(1) or (2) of the Local Authority Social Services Act 1970, is to be performed through their social services committee, other than functions under section 3 of the Disabled Persons (Employment) Act 1958 ;
  - (b) to a district council, towards expenditure incurred or to be incurred by them in connection with their functions under section 8 of the Residential Homes Act 1980 or Part II of Schedule 9 to the Health and Social Services and Social Security Adjudications Act 1983 (meals and recreation for old people);

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*Status: This is the original version (as it was originally enacted).*

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- (c) to an authority who are a local education authority for the purposes of the Education Acts 1944 to 1981, towards expenditure incurred or to be incurred by them in connection with their functions under those Acts, in so far as they perform those functions for the benefit of disabled persons ;
  - (d) to an authority who are a local authority for the purposes of the Housing Act 1957, towards expenditure incurred or to be incurred by them in connection with their functions under Part V of that Act (provision of housing accommodation); and
  - (e) to the following bodies, in respect of expenditure incurred or to be incurred by them in connection with the provision of housing accommodation.—
    - (i) a housing association, as defined in section 189(1) of the Housing Act 1957, which is registered by the Housing Corporation under section 13 of the Housing Act 1974;
    - (ii) the Commission for the New Towns;
    - (iii) a new town development corporation ;
    - (iv) an urban development corporation established under the Local Government, Planning and Land Act 1980 ;
    - (v) the Housing Corporation ; and
    - (vi) the Development Board for Rural Wales.
- (3) A payment under this section may be made in respect of expenditure of a capital or of a revenue nature or in respect of both kinds of expenditure.
- (4) No payment shall be made under this section in respect of any expenditure unless the expenditure has been recommended for a payment under this section by a joint consultative committee on which the authority proposing to make the payment are represented.
- (5) The Secretary of State may by directions prescribe conditions relating to payments under this section.
- (6) The power to give such directions may be exercised so as to make, as respects the cases in relation to which it is exercised, the same provision for all cases, or different provision for different cases or different classes of case, or different provision as respects the same case or class of case for different purposes.
- (7) Without prejudice to the generality of subsection (5) above, the power may be exercised—
- (a) so as to make different provision for England and Wales and different provision for different districts in either; and
  - (b) so as to require, in such circumstances as may be specified.—
    - (i) repayment of the whole or any part of a payment under this section ;
    - (ii) payment, in respect of property acquired with money paid under this section, of an amount representing the whole or part of an increase in the value of the property which has occurred since its acquisition.
- (8) No payment shall be made under this section in respect of any expenditure unless the conditions relating to it—

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- (a) accord with the advice given by the joint consultative committee in making the recommendation for a payment under this section in respect of the expenditure in question; and
  - (b) conform with the conditions prescribed for payments of that description under subsection (5) above.
- (9) Where expenditure which has been recommended by a joint consultative committee for a payment under this section is expenditure in connection with services to be provided by a voluntary organisation—
- (a) the authority who are to make the payment may make payments to the voluntary organisation towards the expenditure incurred or to be incurred by the organisation in connection with the provision of those services, instead of or in addition to making payments under subsection (2) above ; and
  - (b) an authority of one of the descriptions specified in paragraph (a), (b), (c) or (d) of subsection (2) above and who have received payments under that subsection may make out of the sums paid to them payments to the voluntary organisation towards expenditure incurred or to be incurred by the organisation in connection with the provision of those services,
- but no payment shall be made under this subsection except subject to conditions—
- (i) which conform with the conditions prescribed for payments of that description under subsection (5) above; and
  - (ii) which accord with the advice given by the joint consultative committee in recommending the expenditure for a payment under this section.

**28B Power of Secretary of State to make payments towards expenditure on community services in Wales.**

- (1) The Secretary of State may, if he thinks fit, make payments—
- (a) to authorities in Wales of any of the descriptions mentioned in paragraphs (a), (b), (c) and (d) of section 28A (2) above, for the purposes respectively mentioned in those paragraphs;
  - (b) to the following bodies, in respect of expenditure incurred or to be incurred by them in connection with the provision of housing accommodation in Wales.—
    - (i) a housing association, as defined in section 189(1) of the Housing Act 1957, which is registered by the Housing Corporation under section 13 of the Housing Act 1974;
    - (ii) the Commission for the New Towns;
    - (iii) a new town development corporation ;
    - (iv) an urban development corporation established under the Local Government, Planning and Land Act 1980 ;
    - (v) the Housing Corporation ; and
    - (vi) the Development Board for Rural Wales.
- (2) The Secretary of State may, if he thinks fit, make payments to a voluntary organisation towards expenditure incurred or to be incurred by the organisation in connection with the provision of services for which he could make payments under subsection (1) above.

- (3) A payment under this section may be made in respect of expenditure of a capital or of a revenue nature or in respect of both kinds of expenditure.
- (4) Conditions may be attached to a payment under this section.
- (5) Without prejudice to the generality of subsection (4) above, the conditions that may be attached include conditions requiring, in such circumstances as may be specified.—
  - (a) repayment of the whole or any part of a payment under this section ;
  - (b) payment, in respect of property acquired with money paid under this section, of an amount representing the whole or part of an increase in the value of the property which has occurred since its acquisition.”.

## 2 Support to financing of community services in Scotland

The following section shall be substituted for section 16A of the National Health Service (Scotland) Act 1978—

### **“16A Power to make payments towards expenditure on community services.**

- (1) A Health Board may, if they think fit, make payments in accordance with this section to any regional, islands or district council towards expenditure incurred or to be incurred by them in connection with the performance of the following functions—
  - (a) any function relating to a matter which, by virtue of section 2(2) of the Social Work (Scotland) Act 1968 or any other enactment (other than section 3 of the Disabled Persons (Employment) Act 1958), stands referred to the social work committee of a regional or islands council;
  - (b) any of a regional or islands council's functions under section 1 of the Education (Scotland) Act 1980 in making provision for—
    - (i) special educational needs ;
    - (ii) further education,
 within the meaning of those terms in that section;
  - (c) any of a district or islands council's functions under Part VII of the Housing (Scotland) Act 1966 (provision of housing accommodation); and
  - (d) any of a regional or islands council's functions under the following provisions—
    - (i) Part III of the National Assistance Act 1948;
    - (ii) section 116 of the Mental Health Act 1983 ;
    - (iii) section 1 or 2 of the Chronically Sick and Disabled Persons Act 1970 ;
    - (iv) section 23 or 297 of the Criminal Procedure (Scotland) Act 1975.
- (2) A Health Board may, if they think fit, make payments in accordance with this section to any of the following bodies towards expenditure incurred or to be incurred by them in connection with the provision of housing accommodation—

- (a) any housing association, as defined in section 208(1) of the Housing (Scotland) Act 1966, which is registered by the Housing Corporation under section 13 of the Housing Act 1974;
  - (b) any development corporation established under section 2 of the New Towns (Scotland) Act 1968;
  - (c) the Housing Corporation ; and
  - (d) the Scottish Special Housing Association.
- (3) Where a voluntary organisation provides services similar to the functions referred to in this section, payments may be made in accordance with this section to any such organisation towards expenditure incurred or to be incurred in connection with the provision of those services and such payments may be made by—
- (a) any Health Board either instead of or in addition to making payments under this section to any council, authority or other body in respect of such services ; and
  - (b) any such council, authority or other body which has received payments from a Health Board under this section, out of the sums so received.
- (4) Any payments made under this section, whether in respect of expenditure of a capital or of a revenue nature, or of both, shall be made in accordance with conditions prescribed for payments of that description by the Secretary of State in directions given under this subsection.”

### 3 Financial assistance to voluntary organisations in Scotland

Section 64 of the Health Services and Public Health Act 1968 (financial assistance to voluntary organisations) shall cease to have effect with regard to Scotland and the following section shall be inserted in the National Health Service (Scotland) Act 1978 after section 16A—

#### **“16B Financial assistance by the Secretary of State to voluntary organisations.**

- (1) The Secretary of State may, upon such terms and subject to such conditions as he may, with the approval of the Treasury, determine, give to a voluntary organisation to which this section applies assistance by way of grant or loan, or partly in the one way and partly in the other.
- (2) This section applies to a voluntary organisation whose activities consist in or include the provision of a service similar to a relevant service, the promotion or 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.
- (3) In this section, ' relevant service' means a service which must or may, by virtue of the National Health Service (Scotland) Act 1978, be provided or the provision of which must or may, by virtue of that Act, be secured by the Secretary of State, or a service for the provision of which a Health Board is, by virtue of that Act, under a duty to make arrangements.”.