



National Health Service and Community Care Act 1990

1990 CHAPTER 19

PART III

COMMUNITY CARE: ENGLAND AND WALES

General provisions concerning community care services

47 Assessment of needs for community care services.

- (1) Subject to subsections (5) and (6) below, where it appears to a local authority that any person for whom they may provide or arrange for the provision of community care services may be in need of any such services, the authority—
 - (a) shall carry out an assessment of his needs for those services; and
 - (b) having regard to the results of that assessment, shall then decide whether his needs call for the provision by them of any such services.
- (2) If at any time during the assessment of the needs of any person under subsection (1)
 - (a) above it appears to a local authority that he is a disabled person, the authority—
 - (a) shall proceed to make such a decision as to the services he requires as is mentioned in section 4 of the ^{M1}Disabled Persons (Services, Consultation and Representation) Act 1986 without his requesting them to do so under that section; and
 - (b) shall inform him that they will be doing so and of his rights under that Act.
- (3) If at any time during the assessment of the needs of any person under subsection (1)
 - (a) above, it appears to a local authority—
 - (a) that there may be a need for the provision to that person by such [^{F1}Primary Care Trust or][^{F2}Health Authority] as may be determined in accordance with regulations of any services under the [^{F3}National Health Service Act 2006 or the National Health Service (Wales) Act 2006], or

Status: Point in time view as at 01/03/2007. This version of this provision has been superseded.

Changes to legislation: National Health Service and Community Care Act 1990, Section 47 is up to date with all changes known to be in force on or before 26 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) that there may be a need for the provision to him of any services which fall within the functions of a local housing authority (within the meaning of the ^{M2}Housing Act 1985) which is not the local authority carrying out the assessment,
- the local authority shall notify that [^{F1}Primary Care Trust,]^{[F2}Health Authority] or local housing authority and invite them to assist, to such extent as is reasonable in the circumstances, in the making of the assessment; and, in making their decision as to the provision of the services needed for the person in question, the local authority shall take into account any services which are likely to be made available for him by that [^{F1}Primary Care Trust,]^{[F2}Health Authority] or local housing authority.
- (4) The Secretary of State may give directions as to the manner in which an assessment under this section is to be carried out or the form it is to take but, subject to any such directions and to subsection (7) below, it shall be carried out in such manner and take such form as the local authority consider appropriate.
- (5) Nothing in this section shall prevent a local authority from temporarily providing or arranging for the provision of community care services for any person without carrying out a prior assessment of his needs in accordance with the preceding provisions of this section if, in the opinion of the authority, the condition of that person is such that he requires those services as a matter of urgency.
- (6) If, by virtue of subsection (5) above, community care services have been provided temporarily for any person as a matter of urgency, then, as soon as practicable thereafter, an assessment of his needs shall be made in accordance with the preceding provisions of this section.
- (7) This section is without prejudice to section 3 of the ^{M3}Disabled Persons (Services, Consultation and Representation) Act 1986.
- (8) In this section—
- “disabled person” has the same meaning as in that Act; and
- “local authority” and “community care services” have the same meanings as in section 46 above.

Textual Amendments

- F1** Words in s. 47(3) inserted (1.10.2002) by 2002 c. 17, s. 2(5), **Sch. 2 Pt. 2 para. 56**; S.I. 2002/2478, **art. 3(1)(d)** (with **art. 3(3)** and transitional provision in **art. 4**)
- F2** Words in s. 47(3) substituted (1.4.1996 subject to s. 8 of the amending Act) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. II para. 81** (with **Sch. 2 paras. 6, 16**)
- F3** Words in s. 47(3) substituted (1.3.2007) by **National Health Service (Consequential Provisions) Act 2006 (c. 43)**, ss. 2, 8(2), **Sch. 1 para. 130**

Commencement Information

- I1** S. 47 wholly in force at 1.4.1993 see s. 67(2) and S.I. 1992/2975, **art. 2(2)**, **Sch.**

Marginal Citations

- M1** 1986 c. 33.
M2 1985 c. 68.
M3 1986 c. 33.

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