



National Assistance Act 1948

1948 CHAPTER 29

PART IV

GENERAL AND SUPPLEMENTARY.

Miscellaneous.

47 Removal to suitable premises of persons in need of care and attention.

- (1) The following provisions of this section shall have effect for the purposes of securing the necessary care and attention for persons who—
 - (a) are suffering from grave chronic disease or, being aged, infirm or physically incapacitated, are living in insanitary conditions, and
 - (b) are unable to devote to themselves, and are not receiving from other persons, proper care and attention.
- (2) If the medical officer of health certifies in writing to the appropriate authority that he is satisfied after thorough inquiry and consideration that in the interests of any such person as aforesaid residing in the area of the authority, or for preventing injury to the health of, or serious nuisance to, other persons, it is necessary to remove any such person as aforesaid from the premises in which he is residing, the appropriate authority may apply to a court of summary jurisdiction having jurisdiction in the place where the premises are situated for an order under the next following subsection.
- (3) On any such application the court may, if satisfied on oral evidence of the allegations in the certificate, and that it is expedient so to do, order the removal of the person to whom the application relates, by such officer of the appropriate authority as may be specified in the order, to a suitable hospital or other place in, or within convenient distance of, the area of the appropriate authority, and his detention and maintenance therein:

Provided that the court shall not order the removal of a person to any premises, unless either the person managing the premises has been heard in the proceedings or seven

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- clear days' notice has been given to him of the intended application and of the time and place at which it is proposed to be made.
- (4) An order under the last foregoing subsection may be made so as to authorise a person's detention for any period not exceeding three months, and the court may from time to time by order extend that period for such further period, not exceeding three months, as the court may determine.
- (5) An order under subsection (3) of this section may be varied by an order of the court so as to substitute for the place referred to in that subsection such other suitable place in, or within convenient distance of, the area of the appropriate authority as the court may determine, so however that the proviso to the said subsection (3) shall with the necessary modification apply to any proceedings under this subsection.
- (6) At any time after the expiration of six clear weeks from the making of an order under subsection (3) or (4) of this section an application may be made to the court by or on behalf of the person in respect of whom the order was made, and any such application the court may, if in the circumstances it appears expedient so to do, revoke the order.
- (7) No application under this section shall be entertained by the court unless, seven clear days before the making of the application, notice has been given of the intended application and of the time and place at which it is proposed to be made—
- (a) where the application is for an order under subsection (3) or (4) of this section, to the person in respect of whom the application is made or to some person in charge of him;
 - (b) where the application is for the revocation of such an order, to the medical officer of health.
- (8) Where in pursuance of an order under this section a person is maintained neither in hospital accommodation provided by the Minister of Health under the National Health Service Act 1946, or by the Secretary of State under the National Health Service (Scotland) Act, 1947, nor in premises where accommodation is provided by, or by arrangement with, a local authority under Part III of this Act, the cost of his maintenance shall be borne by the appropriate authority.
- (9) Any expenditure incurred under the last foregoing subsection shall be recoverable from the person maintained or from any person who for the purposes of this Act is liable to maintain that person; and any expenditure incurred by virtue of this section in connection with the maintenance of a person in premises where accommodation is provided under Part III of this Act shall be recoverable in like manner as expenditure incurred in providing accommodation under the said Part III.
- (10) The provisions of section twenty-seven of the National Health Service Act, 1946, and of section sixteen of the National Health Service (Scotland) Act, 1947 (which respectively require local health authorities and the Secretary of State to secure that ambulances and other means of transport are available for the conveyance of certain persons) shall apply to the conveyance of persons in respect of whom an order is made under this section as they apply to the conveyance of the persons specified in the said sections twenty-seven and sixteen.
- (11) Any person who wilfully disobeys, or obstructs the execution of, an order under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten pounds.

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- (12) For the purposes of this section, the appropriate authorities shall be the councils of county boroughs and county districts and the authorities which are sanitary authorities for the purposes of the Public Health (London) Act, 1936, and in Scotland the councils of counties and large burghs.
- (13) The foregoing provisions of this section shall have effect in substitution for any provisions for the like purposes contained in, or having effect under, any public general or local Act passed before the passing of this Act:
- Provided that nothing in this subsection shall be construed as affecting any enactment providing for the removal to, or detention in, hospital of persons suffering from notifiable or infectious diseases.
- (14) Any notice under this section may be served by post.