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National Assistance Act, 1948.

11 & 12 GEO. 6. CH. 29.

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CHAPTER 29.

An Act to terminate the existing poor law and to provide in lieu thereof for the assistance of persons in need by the National Assistance Board and by local authorities ; to make further provision for the welfare of disabled, sick, aged and other persons and for regulating homes for disabled and aged persons and charities for disabled persons ; to amend the law relating to non-contributory old age pensions ; to make provision as to the burial or cremation of deceased persons ; and for purposes connected with the matters aforesaid.

[13th May 1948.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

INTRODUCTORY

1. The existing poor law shall cease to have effect, and shall be replaced by the provisions of Part II of this Act as to the rendering, out of moneys provided by Parliament, of assistance to persons in need, the provisions of Part III of this Act as to accommodation and other services to be provided by local authorities, and the related provisions of Part IV of this Act. Supersession of existing poor law.

PART II.

NATIONAL ASSISTANCE.

The National Assistance Board.

2.—(1) The Assistance Board shall be known as the National Assistance Board, and in addition to the functions The National Assistance Board.

PART II.
—cont.

for the time being exercisable under any other enactment shall exercise the functions conferred on them by the following provisions of this Act.

(2) The National Assistance Board (hereafter in this Act referred to as "the Board") shall exercise their functions in such manner as shall best promote the welfare of persons affected by the exercise thereof.

(3) For the purpose of securing the prompt discharge of their functions under this Act, the Board shall by regulations provide for the local administration of their said functions, and in particular, but subject to any arrangements for the discharge thereof by officers of another Government department or of a local authority, for the discharge by local officers of the Board of the functions of the Board in relation to applications for assistance and the decision of all questions arising thereon.

(4) Annual reports on the activities of the Board shall be made by the Board to the Minister of National Insurance, and the said Minister shall lay each report of the Board under this subsection before Parliament.

24 & 25 Geo. 5.
c. 29. Advisory
Committees.

(5) The constitution and proceedings of the Board shall continue to be governed by the provisions set out in the First Schedule to this Act, being the provisions in that behalf of the Unemployment Assistance Act, 1934.

3.—(1) For the purpose of securing that full use is made of the advice and assistance, both on general questions and on difficult individual cases, of persons having local knowledge and experience in matters affecting the functions of the Board, the Board shall arrange for the establishment of advisory committees throughout Great Britain to act for such areas as the Board think fit.

(2) The Board shall pay to members of advisory committees appointed by the Board such travelling and other allowances (including compensation for loss of remunerative time) as the Board, after consultation with the Minister of National Insurance and with the consent of the Treasury, may determine.

Giving of Assistance by Board.

Duty of Board to assist persons in need.

4. It shall be the duty of the Board in accordance with the following provisions of this Part of this Act to assist persons in Great Britain who are without resources to meet their requirements, or whose resources (including benefits receivable under the National Insurance Acts, 1946) must be supplemented in order to meet their requirements.

Determination of need for assistance.

5.—(1) The question whether a person is in need of assistance, and the nature and extent of any assistance to be given to him, shall, subject to the provisions of this Act as to appeals, be decided by the Board.

PART II.
—cont.

(2) The Minister of National Insurance shall in accordance with the provisions of the next following section make regulations as to the computation of requirements and resources for the purposes of this Part of this Act and as to the decision of any such question as aforesaid, and the Board shall give effect to the relevant provisions of the regulations.

(3) Regulations under this section may make different provision for different classes of cases, and in particular shall make special provision for blind persons and persons who have suffered a loss of income in order to undergo treatment for tuberculosis of the respiratory system.

(4) Regulations under this section shall include provision for securing that the rules as to disregarding certain assets set out in the Second Schedule to this Act shall be observed in computing resources.

6.—(1) The Board shall as soon as may be after the passing of this Act, and thereafter from time to time as occasion may require, prepare and submit to the Minister of National Insurance (in this section referred to as "the Minister") draft regulations under the last foregoing section.

Preparation, making and coming into operation of regulations under section five.

(2) The Minister shall consider any draft submitted to him under the last foregoing subsection and shall make draft regulations either in the form of the draft as submitted or with such variations and amendments as he thinks fit.

(3) Where the Minister makes any draft regulations otherwise than in the form of the draft submitted to him, then before making the draft regulations he shall inform the Board of the variations and amendments which he intends to make, the Board shall report to him thereon, and he shall consider the report.

(4) Any draft regulations made by the Minister under this section shall be laid before Parliament as soon as may be after they are made, and, if the draft regulations so laid are made otherwise than in the form submitted to the Minister, there shall also be laid before Parliament a statement of the Minister's reasons for, and a copy of the report of the Board on, the variations and amendments made by him.

(5) If each House resolves that draft regulations made by the Minister under this section be approved, the Minister shall in the terms of the draft make regulations under the last foregoing section to take effect on such date as may be specified in the regulations.

7.—(1) Where it appears to the Board that an applicant for assistance has to provide for requirements of some other person being a member of the same household, the Board shall, subject to the provisions of this Act, give assistance by reference to the aggregate requirements and aggregate resources of the applicant and the said other person.

Aggregation of requirements and resources.

PART II.
—cont.

(2) Where in the giving of assistance to an applicant therefor the requirements of another person are taken into account, that person is, in this Act referred to as a dependant of the applicant.

(3) Where a husband and wife are members of the same household, their requirements and resources shall in all cases be aggregated for the purposes of this Part of this Act.

(4) Notwithstanding anything in the foregoing provisions of this section, where it appears to the Board expedient so to do for the purpose of giving assistance in accordance with the provisions of subsection (3) of section eight or the provisions of section ten of this Act, the Board may decline to treat as a dependant of an applicant for assistance any person who has attained the age of sixteen years.

(5) No application for assistance shall be made by a person who has not attained the age of sixteen years, but nothing in this subsection shall prejudice the giving of assistance by reference to the requirements of any such person as a dependant of another person.

(6) Regulations under section five of this Act shall include provision for securing, in the case of a person being a member of a household,—

(a) that the resources of any other member of the household, not being the husband or wife, or a dependant, of the said person, shall not be treated as resources of the said person;

(b) that if he is the householder his resources shall, unless exceptional circumstances are shown, be deemed to include contributions at the prescribed rate towards the expenses of the household from members thereof who are not dependants of his:

Provided that paragraph (b) of this subsection shall not have effect in relation to a householder who is a blind person or the husband or wife of a blind person.

Assistance
grants.

8.—(1) Subject to the provisions of this Part of this Act, the Board shall discharge their duty to give assistance by the making of grants in money (hereafter in this Act referred to as "assistance grants").

(2) Where it appears to the Board that it is necessary for protecting the interests of an applicant for an assistance grant or of his dependants that the whole or any part of the grant should be issued to some person other than the applicant, the Board may issue the grant accordingly.

(3) The Board may require, as a condition of the making of an assistance grant to a person, that he shall be registered for employment in such manner as may be prescribed by the Board.

(4) Stamp duty shall not be chargeable on any receipt for an assistance grant.

PART II.
—cont.

9.—(1) An assistance grant shall not be made to meet the requirements of a person (including requirements to provide for any other person) for any period during which that person is engaged in remunerative full-time work, and where a husband and wife are members of the same household no assistance grant shall be made to meet the requirements of the wife for any period during which the husband is so engaged:

Disqualifi-
cations for
assistance
grants.

Provided that this subsection shall not, where regulations of the Board so provide, apply until the expiration of such time from the beginning of the engagement as may be prescribed by the regulations.

(2) The last foregoing subsection shall not apply in the case of work otherwise than under a contract of service where the earning power of the person engaged in the work is, by reason of a disability, substantially reduced in comparison with that of other persons similarly occupied.

(3) An assistance grant shall not be made to meet the requirements of a person, other than requirements to provide for any other person, for any period during which he is without employment by reason of a stoppage of work which was due to a trade dispute at his place of employment and during which the stoppage of work continues, unless during the stoppage of work he has become bona fide employed elsewhere in the occupation which he usually follows or has become regularly engaged in some other occupation:

Provided that this subsection shall not apply in the case of a person who proves—

- (a) that he is not participating in or financing or directly interested in the trade dispute which caused the stoppage of work; and
- (b) that he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at his place of employment any of whom are participating in or financing or directly interested in the dispute.

10.—(1) Where it appears to the Board that an applicant for assistance, being a person who is not in receipt of unemployment benefit under the National Insurance Act, 1946, refuses or neglects to maintain himself or any person whom for the purposes of this Act he is liable to maintain, the Board may make a report to the Appeal Tribunal, and the Tribunal, after giving the applicant an opportunity of being heard, may direct that during such period as may be specified in the direction he shall be subject to the following provisions of this section.

Assistance in
special cases.
9 & 10 Geo. 6.
c. 67.

PART II
—cont.

(2) The Board may require, as a condition of the making of an assistance grant in respect of any such period as aforesaid, that the applicant shall attend such course of instruction or training approved by the Minister of National Insurance for the purpose of this section as the Board may specify and that he shall comply with the rules there in force.

(3) The Board may, in lieu of giving assistance in respect of any period specified in a direction under subsection (1) of this section by the making of assistance grants, give assistance by maintaining the applicant in a re-establishment centre provided under this Part of this Act or in accordance with arrangements under subsection (4) of this section, or subsection (5) thereof so long as it is in force, and by making to him such payments (if any) for meeting his personal requirements as the Board think fit.

(4) The Board may enter into arrangements with another Government department or with a voluntary organisation for the maintenance of persons in whose case directions under subsection (1) of this section are in force in a centre provided by the department or organisation for purposes similar to the purposes of a re-establishment centre.

(5) The Board may make arrangements with a local authority managing premises in which accommodation is provided under Part III of this Act for the maintenance of such persons as aforesaid in accommodation provided in the premises for the purposes of this subsection.

(6) Where a person in whose case a direction under subsection (1) of this section is in force represents to the Appeal Tribunal that there has been a change of circumstances and that by reason thereof the direction ought to be revoked, the Tribunal, after giving the Board an opportunity of being heard, may if they think fit revoke the direction.

(7) Subsection (5) of this section shall continue in force for two years and no longer.

Disqualifica-
tion etc. not
to prevent
assistance in
cases of
urgency.

11.—(1) Nothing in the two last foregoing sections nor any disqualification or condition attaching thereunder shall prevent the Board's making an assistance grant in an urgent case, and in the making of a grant by virtue of this subsection the Board shall not be bound by any regulations under this Part of this Act which appear to them inappropriate in the circumstances of the case.

(2) Where by virtue only of the last foregoing subsection the Board make an assistance grant to meet the requirements of a person engaged in remunerative full-time work, they may recover from him the whole or part of the assistance grant if they are satisfied that the circumstances are such that it is equitable so to do.

12.—(1) Where it appears to the Board that by reason of special circumstances the requirements of a person can best be met by giving in kind the whole or part of assistance of which he is in need, the Board may so give assistance instead of giving assistance in money.

PART II.
—cont.
Assistance
in kind.

(2) References in this Part of this Act to the giving of assistance in kind include references to the issuing of orders for the free provision of goods or services.

(3) Notwithstanding anything in this Part of this Act or regulations made thereunder, in giving assistance in accordance with this section to meet sudden and urgent need the Board may dispense with inquiry into resources or other circumstances and with compliance with any regulations of the Board.

(4) Subject to the last foregoing subsection, the provisions of this Act other than this section shall apply to assistance given in accordance with this section as they apply to assistance grants, but with the substitution for references to the amount of the grant of references to the value of the assistance.

13.—(1) Where payments in respect of—

(a) unemployment, sickness, maternity, or widow's benefit, guardian's allowance, or retirement pension under the National Insurance Act, 1946,

(b) benefit under the National Insurance (Industrial Injuries) Act, 1946,

(c) pension under the Old Age Pensions Act, 1936, or

(d) allowances under the Family Allowances Act, 1945,

are in arrears for any period and assistance grants have been made for that period by reference to the requirements of the person to whom the payments are due, the payments may, at the discretion of the authority administering the benefit, pension or allowances in question, be abated to the extent to which the actual amount of those assistance grants exceeds what would have been their amount, as decided by the Board, if the said payments had not fallen into arrears.

Prevention
of duplication
of payments.
9 & 10 Geo. 6.
c. 62.
26 Geo. 5 &
1 Edw. 8. c. 31.
8 & 9 Geo. 6.
c. 41.

(2) Where the liabilities of any fund are reduced by virtue of the last foregoing subsection, there shall be paid out of that fund into the Exchequer an amount equal to the reduction.

14.—(1) Where a person applying for, or in receipt of, assistance is aggrieved by a decision of the Board with respect to any of the following matters, that is to say—

(a) a refusal to give assistance;

PART II.
—cont.

- (b) the amount of an assistance grant;
- (c) the issuing of an assistance grant to a person other than the applicant therefor;
- (d) any condition subject to which an assistance grant is made;
- (e) the giving of assistance in kind or the nature or extent of assistance in kind;
- (f) a decision under subsection (2) of section eleven of this Act to recover the whole or part of an assistance grant;
- (g) the amount of an abatement under subsection (1) of section thirteen of this Act,

he may appeal to the Appeal Tribunal.

(2) A notice stating the effect of subsection (1) of this section shall be conspicuously displayed in every office where assistance grants are made.

(3) Where on an appeal under this section any question arises whether a person is disqualified for an assistance grant by virtue of the provisions of this Part of this Act relating to trade disputes, that question shall be referred by the Appeal Tribunal for determination in the manner provided under section forty-three of the National Insurance Act, 1946, and the provisions of the said section forty-three shall have effect accordingly with respect to any question so referred.

(4) On an appeal under this section the Appeal Tribunal may confirm the decision of the Board appealed against or substitute therefor any decision which the Board could have made under this Part of this Act, and any decision of the Tribunal shall be conclusive for all purposes.

(5) Notwithstanding anything in the enactments referred to in subsection (1) of section thirteen of this Act, a decision of the Board as to the amount of any abatement under the said subsection (1) shall, subject to any appeal under this section, be conclusive for the purposes of the said enactments.

Supple-
mentary
provisions as
to assistance.

15.—(1) The Board may by regulations make provision for carrying this Part of this Act into effect, and in particular (but without prejudice to the generality of this subsection) as to the manner in which applications for assistance are to be made, in which evidence is to be provided of matters relevant to the giving of assistance, and in which assistance grants are to be issued.

(2) In so far as regulations under this section provide for the issuing of assistance grants through the Post Office, the regulations shall not have effect unless confirmed by the Postmaster General.

(3) Regulations under this section shall have effect subject to the provisions of regulations under section five of this Act.

Re-establishment Centres and Reception Centres.

16. For the re-establishment of persons in need thereof through lack of regular occupation or of instruction or training the Board may subject to the approval of the Minister of National Insurance provide centres, to be known as re-establishment centres, where (whether in consequence of a decision of the Board under section ten of this Act or otherwise) such persons may attend or may be maintained by the Board, and in either case may be afforded by the Board the occupation, instruction or training requisite to fit them for entry into or return to regular employment.

1.—(1) It shall be the duty of the Board to make provision whereby persons without a settled way of living may be influenced to lead a more settled life, and the Board shall provide and maintain centres, to be known as reception centres, for the provision of temporary board and lodging for such persons.

(2) The Board may require the councils of counties, county boroughs and large burghs to exercise on behalf of, and in accordance with any directions given by, the Board the functions of the Board under the last foregoing subsection of providing and maintaining reception centres.

(3) A council may recover from the Board any expenditure under the last foregoing subsection incurred by them with the approval of the Board, given either as respects that expenditure or generally as respects expenditure up to a specified amount.

(4) Before giving directions under subsection (2) of this section the Board shall consult with such local authorities or associations of local authorities as appear to the Board to be concerned.

18.—(1) This section applies to reception centres (hereinafter referred to as "designated reception centres") designated by the Minister of National Insurance for the purposes of this section on the application of the Board.

(2) Where a person seeks lodging in a designated reception centre and it appears to the Board, or if the centre is being provided by a local authority to the local authority, that the

PART II.
—cont.

said person persistently resorts to reception centres when capable of maintaining himself, the Board or local authority may direct that he shall only be received into the centre subject to the conditions specified in subsection (4) of this section.

(3) On a direction being given under the last foregoing subsection the person to whom it relates may require that the matter shall be referred to the Appeal Tribunal, and if he so requires—

(a) the direction shall not have effect until the matter has been determined by the Tribunal, and

(b) on any such reference the Tribunal may either quash the direction or order that during such period as may be specified in the order he shall only be admitted to a designated reception centre subject to the conditions specified in the next following subsection.

(4) The conditions hereinbefore referred to are—

(a) that the person in question shall remain at the centre for at least such period from the time he entered it, not exceeding forty-eight hours, as the Board or the local authority providing the centre may require, and

(b) that while the person in question is at the centre he shall do such suitable work within the curtilage thereof as the Board or local authority may require.

(5) A person received into a centre subject to the said conditions shall, if he fails to comply therewith, be liable on summary conviction to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month.

Management
of re-establish-
ment and
reception
centres.

19.—(1) The Board may by regulations make provision for the management of, and preservation of order in, re-establishment centres maintained by the Board and reception centres maintained by them or on their behalf, and such regulations may provide that any person who contravenes or fails to comply with any specified provision thereof shall be liable on summary conviction to a fine not exceeding ten pounds or to imprisonment for a term not exceeding one month.

(2) Regulations under the last foregoing subsection may include provision requiring persons accommodated or received in centres, or specified classes of such persons, to do such work for assisting in the running of the centres as may be specified by or under the regulations.

(3) Rules made by a local authority under Part III of this Act for the preservation of order in premises in which accommodation is provided under the said Part III may provide

that this subsection shall apply in relation to any provision of the rules, and where such rules so provide any person to whom under subsection (5) of section ten of this Act assistance is given by maintenance in the premises and who contravenes or fails to comply with the provision in question shall be liable on summary conviction to such a fine or to such imprisonment as aforesaid.

PART II.
—cont.

20. The Board may make contributions to the funds of any voluntary organisation maintaining centres for purposes similar to the purposes of re-establishment centres or reception centres maintained by the Board.

Contributions
to centres
maintained
by voluntary
organisations.

PART III.

LOCAL AUTHORITY SERVICES.

Provision of Accommodation.

21.—(1) It shall be the duty of every local authority, subject to and in accordance with the provisions of this Part of this Act, to provide—

Duty of local
authorities
to provide
accommo-
dation.

- (a) residential accommodation for persons who by reason of age, infirmity or any other circumstances are in need of care and attention which is not otherwise available to them;
- (b) temporary accommodation for persons who are in urgent need thereof, being need arising in circumstances which could not reasonably have been foreseen or in such other circumstances as the authority may in any particular case determine.

(2) In the exercise of their said duty a local authority shall have regard to the welfare of all persons for whom accommodation is provided, and in particular to the need for providing accommodation of different descriptions suited to different descriptions of such persons as are mentioned in the last foregoing subsection.

(3) A local authority shall exercise their functions under this section in accordance with a scheme made thereunder.

(4) Accommodation provided by a local authority in the exercise of their said functions shall be provided in premises managed by the authority or, to such extent as may be specified in the scheme under this section, in such premises managed by another local authority as may be agreed between the two authorities and on such terms, including terms as to the reimbursement of expenditure incurred by the said other authority, as may be so agreed.

PART III.
—cont.

(5) References in this Act to accommodation provided under this Part thereof shall be construed as references to accommodation provided in accordance with this and the five next following sections, and as including references to board and other services, amenities and requisites provided in connection with the accommodation except where in the opinion of the authority managing the premises their provision is unnecessary.

(6) References in this Act to a local authority providing accommodation shall be construed, in any case where a local authority agree with another local authority for the provision of accommodation in premises managed by the said other authority, as references to the first-mentioned local authority.

(7) Without prejudice to the generality of the foregoing provisions of this section, a local authority may—

- (a) provide, in such cases as they may consider appropriate, for the conveyance of persons to and from premises in which accommodation is provided for them under this Part of the Act;
- (b) themselves provide on the premises in which accommodation is being provided such health services, not being specialist services or services of a kind normally provided only on admission to a hospital, as appear to the authority requisite and as may be specified in the scheme under this section;
- (c) arrange for the provision on the premises of local health services.

9 & 10 Geo. 6.
c. 81.
10 & 11 Geo. 6.
c. 27.

In this subsection the expression " local health services " means the like services as are provided under Part III of the National Health Service Act, 1946, or of the National Health Service (Scotland) Act, 1947, for persons in their own homes; and a local health authority for the purposes of the said Part III shall by virtue of this subsection have power to provide any local health services to which arrangements under this subsection relate.

(8) Save as provided in the last foregoing subsection, nothing in this section shall authorise or require a local authority to make any provision authorised or required to be made (whether by that or by any other authority) by or under any enactment not contained in this Part of this Act.

Charges to
be made for
accommo-
dation.

22.—(1) Persons for whom accommodation is provided under this Part of this Act shall pay for the accommodation in accordance with the following provisions of this section.

(2) Subject to the following provisions of this section, the payment for any such accommodation shall be in accordance

with a standard rate fixed for that accommodation by the authority managing the premises in which it is provided. PART III.
—cont.

(3) Where a person for whom accommodation in premises managed by any local authority is provided, or proposed to be provided, under this Part of this Act satisfies the local authority that he is unable to pay therefor at the standard rate, the authority shall assess his ability to pay (apart from any supplementation of his resources which he will receive under Part II of this Act), and accordingly determine at what lower rate he shall be liable to pay for the accommodation:

Provided that the liability shall in no case be reduced below such sum per week as may be prescribed by the Minister.

(4) In assessing for the purposes of the last foregoing subsection a person's ability to pay, a local authority shall assume that he will need for his personal requirements such sum per week as may be prescribed by the Minister, or such other sum as in special circumstances the authority may consider appropriate.

(5) In assessing as aforesaid a person's ability to pay, a local authority shall give effect to the relevant provisions of the Second Schedule to this Act.

(6) Where temporary accommodation is provided for a person for less than a week, or it appears to the authority managing the premises in which temporary accommodation is being provided for a person that by reason of special circumstances charges therefor cannot appropriately be made in accordance with the provisions of subsections (2) and (3) of this section, those provisions shall not apply but the said person shall pay for the accommodation at such rate as the local authority may determine.

(7) Where accommodation is provided for a child accompanied by a person over the age of sixteen, the foregoing provisions of this section shall have effect subject to the following modifications:—

(a) in respect of the accommodation provided for the child payment shall be made by the person by whom the child is accompanied,

(b) the personal requirements of the child shall be treated as personal requirements of the person by whom the child is accompanied, and for the purposes of subsection (4) of this section the fact that that person is accompanying the child may be treated as special circumstances.

PART III.
—cont.

(8) Where accommodation is provided by a local authority in premises managed by another local authority, the payment therefor under this section shall be made to the authority managing the premises and not to the authority providing accommodation, but the authority managing the premises shall account for the payment to the authority providing the accommodation.

(9) Where the whole or part of a liability arising under this section is taken into account by the Board in making an assistance grant, and the person receiving the grant fails to pay any sum due from him under this section, the Board may, in lieu of issuing the whole of the grant to the person to whom it is made, issue to the local authority concerned, in or towards the satisfaction of the liability, so much of the grant as relates to that liability.

Management
of premises
in which
accommoda-
tion provided.

23.—(1) Subject to the provisions of this Part of this Act, a local authority may make rules as to the conduct of premises under their management in which accommodation is provided under this Part of this Act and as to the preservation of order in the premises.

(2) Rules under this section may provide that where by reason of any change in a person's circumstances he is no longer qualified to receive accommodation under this Part of this Act or where a person has otherwise become unsuitable therefor, he may be required by the local authority managing the premises to leave the premises in which the accommodation is provided.

(3) Rules under this section may provide for the waiving of part of the payments due under the last foregoing section where in compliance with the rules persons for whom accommodation is provided assist in the running of the premises.

Authority
liable for
provision of
accommoda-
tion.

24.—(1) The local authority liable under this Part of this Act to provide residential accommodation for any person shall subject to the following provisions of this Part of this Act be the authority in whose area the person is ordinarily resident.

(2) The local authority liable under this Part of this Act to provide temporary accommodation for any person shall be the authority in whose area the person is.

(3) Where a person in the area of a local authority—

(a) is a person with no settled residence, or

(b) not being ordinarily resident in the area of the local authority, is in urgent need of residential accommodation under this Part of this Act,

the authority shall have the like duty to provide residential accommodation for him as if he were ordinarily resident in their area.

PART III.
—cont.

(4) Subject to and in accordance with the scheme under section twenty-one of this Act, a local authority shall have power, as respects a person ordinarily resident in the area of another local authority, with the consent of that other authority to provide residential accommodation for him in any case where the authority would have a duty to provide such accommodation if he were ordinarily resident in their area.

(5) Where a person is provided with residential accommodation under this Part of this Act, he shall be deemed for the purposes of this Act to continue to be ordinarily resident in the area in which he was ordinarily resident immediately before the residential accommodation was provided for him.

25.—(1) Where the Board are satisfied that a person in the area of a local authority is in urgent need of accommodation under this Part of this Act, the Board may require the local authority to provide such accommodation for him.

Power of Board to require provision of accommodation in urgent cases.

(2) Notwithstanding anything in section twenty-three of this Act or the rules made thereunder, where accommodation is being provided for a person in compliance with a requirement under the last foregoing subsection, he shall not be required to leave the premises in which the accommodation is provided except with the consent of the Board or, where the Board refuse to give consent, with the consent of the Appeal Tribunal.

(3) Where a local authority are aggrieved by any requirement made by the Board under subsection (1) of this section, the authority may, but without prejudice to their duty to comply with the requirement in the meanwhile, appeal to the Appeal Tribunal, and on any such appeal the Tribunal may cancel or confirm the requirement of the Board.

26.—(1) Notwithstanding anything in the foregoing provisions of this Part of this Act, a scheme under section twenty-one thereof may provide for the making by a local authority, in lieu or in supplementation of the provision of accommodation in premises managed by them or another local authority, of arrangements with a voluntary organisation managing any premises for the provision of accommodation in those premises.

Provision of accommodation in premises maintained by voluntary organisations.

(2) Any such arrangements as aforesaid shall provide for the making by the local authority to the organisation of payments in respect of the accommodation provided at such rates as may be determined by or under the arrangements.

PART III.
—cont.

(3) A person for whom accommodation is provided under any such arrangements shall, in lieu of being liable to make payment therefor in accordance with section twenty-two of this Act, refund to the local authority any payments made in respect of him under the last foregoing subsection:

Provided that where a person for whom accommodation is provided, or proposed to be provided, under any such arrangements satisfies the local authority that he is unable to make a refund at the full rate determined under that subsection, subsections (3) to (5) of section twenty-two of this Act shall, with the necessary modifications, apply as they apply where a person satisfies the local authority of his inability to pay at the standard rate as mentioned in the said subsection (3).

(4) Subsections (6), (7) and (9) of the said section twenty-two shall, with the necessary modifications, apply for the purposes of the last foregoing subsection as they apply for the purposes of the said section twenty-two.

(5) Where in any premises accommodation is being provided under subsection (1) of this section in accordance with arrangements made by any local authority, any person authorised in that behalf by the authority may at all reasonable times enter and inspect the premises.

(6) A local authority may make contributions to the funds of any voluntary organisation providing, or proposing to provide, accommodation for the like purposes as accommodation provided by a local authority under the foregoing provisions of this Part of this Act.

(7) In this section the expression "voluntary organisation" includes any association which is a housing association for the purposes of the Housing Act, 1936, or the Housing (Scotland) Acts, 1925 to 1946.

26 Geo. 5. &
1 Edw. 8.
c. 51.

Investigation
of resources
etc. by Board.

27. A local authority may refer to the Board for investigation any question arising as to the resources or other circumstances of a person applying for accommodation under this Part of this Act or for whom such accommodation is being provided.

Exchequer
contributions
to local
authorities.

28.—(1) Subject to the provisions of this section, the Minister shall make annual contributions to local authorities in respect of premises provided by them for the purposes of the foregoing provisions of this Part of this Act, being premises provided in accordance with proposals approved by the Minister and used in accordance with any conditions subject to which the proposals were approved.

(2) It shall be a condition of the making of contributions under this section in respect of any premises—

- (a) that the premises are for the time being used or available for the provision therein of accommodation under this Part of this Act; and either
- (b) that the construction of the premises, and of any other premises forming part of the same building, was begun on or after the thirty-first day of October, 1947; or
- (c) that the premises were acquired on or after that day.

(3) Annual contributions under this section in respect of any premises falling within paragraph (b) of the last foregoing subsection shall be made for such period not exceeding sixty years as the Minister may determine, being a period beginning with the completion of the premises, and shall be of the following amounts, that is to say—

- (a) in respect of each single bedroom comprised in the premises which is intended for the provision of accommodation under this Part of this Act, the sum of seven pounds ten shillings;
- (b) in respect of each other bedroom comprised in the premises which is intended for the provision of accommodation under this Part of this Act, such sum not exceeding six pounds ten shillings as may be prescribed by the Minister, multiplied by the number of persons for whose occupation the room is intended.

(4) Annual contributions under this section in respect of any premises falling within paragraph (c) of subsection (2) thereof shall be made for such period not exceeding sixty years as the Minister may determine, being a period beginning with the time when the adaptation of the premises was completed, or if no adaptation was required with the date of the acquisition of the premises, and shall be of an amount not exceeding the amount specified in paragraphs (a) and (b) of the last foregoing subsection and not exceeding two-thirds of the difference between—

- (a) the estimated average annual payments falling to be made by the local authority in question in respect of the charges on account of loans raised by the authority for the purpose of acquiring or adapting the premises, or which would have fallen to be so made if the sums expended by the local authority for the said purpose had been raised by means of loans, and

PART III.
—cont.

- (b) such sum as may be prescribed by the Minister multiplied by the number of persons for whose accommodation under this Part of this Act provision is made in the premises.

The sum to be prescribed for the purposes of paragraph (b) of this subsection shall be of an amount equal to fifty-two times such part of the sum prescribed under the proviso to subsection (3) of section twenty-two of this Act as may be determined by the Minister to represent payment in respect of the use of the premises.

(5) In the last foregoing subsection references to adaptation are references to adaptation for the provision of accommodation under this Part of this Act, and do not include references to any adaptation carried out after the premises in question have been brought into use for the provision of such accommodation.

(6) Where a local authority enters into arrangements under section twenty-six of this Act with any such association as is mentioned in subsection (7) of that section, the local authority shall be entitled to receive the like contributions (if any) under this section in respect of any premises to which the arrangements relate as if the premises had been provided by the local authority, but where a local authority receive contributions by virtue of this subsection as respects any year the local authority shall as respects that year make under subsection (6) of the said section twenty-six contributions to the association of amounts not less than the contributions under this section received by the authority.

(7) Where at any time after the coming into operation of this section the Minister proposes to make an order under section sixteen of the Housing (Financial and Miscellaneous Provisions) Act, 1946 (which provides for the periodical review of contributions under the Housing Acts, 1936 to 1946) he shall consider the relation of the foregoing provisions of this section to the provisions as to contributions of the Housing Acts, 1936 to 1946, and an order under the said section sixteen may provide, in relation to contributions under this section or any class of such contributions, for reducing the amount of the contributions or the period for which they are payable, or both that amount and that period, to such extent, if any, as appears to the Minister to be requisite having regard to any reduction to be effected by the order of contributions under the said Acts of 1936 to 1946 and of the number of years for which those contributions are to be paid.

(8) In the application of this section to Scotland—

- (a) subsection (1) shall have effect as if at the end thereof there were added the following proviso—

“ Provided that no contribution shall be payable

under this subsection in respect of any premises in respect of which a contribution is payable by the Secretary of State under any other enactment ”;

PART III.
—cont.

- (b) for the references in subsection (3) to seven pounds ten shillings and to six pounds ten shillings there shall be substituted respectively references to eleven pounds and to nine pounds ten shillings;
- (c) for the references to the Housing (Financial and Miscellaneous Provisions) Act, 1946, and to section sixteen thereof there shall be respectively substituted references to the Housing (Financial Provisions) Act, 1946, and to section fourteen thereof; 9 & 10 Geo. 6. c. 54.
- (d) for the references to the Housing Acts, 1936 to 1946, there shall be substituted references to the Housing (Scotland) Acts, 1925 to 1946.

Welfare Services.

29.—(1) A local authority shall have power to make arrangements for promoting the welfare of persons to whom this section applies, that is to say persons who are blind, deaf or dumb, and other persons who are substantially and permanently handicapped by illness, injury, or congenital deformity or such other disabilities as may be prescribed by the Minister. Welfare arrangements for blind, deaf, dumb and crippled persons, etc.

(2) In relation to persons ordinarily resident in the area of a local authority the authority shall, to such extent as the Minister may direct, be under a duty to exercise their powers under this section.

(3) The arrangements made by a local authority under this section shall be carried into effect in accordance with a scheme made thereunder.

(4) Without prejudice to the generality of the provisions of subsection (1) of this section, arrangements may be made thereunder—

- (a) for informing persons to whom arrangements under that subsection relate of the services available for them thereunder;
- (b) for giving such persons instruction in their own homes or elsewhere in methods of overcoming the effects of their disabilities;
- (c) for providing workshops where such persons may be engaged (whether under a contract of service or otherwise) in suitable work, and hostels where persons engaged in the workshops, and other persons

PART III.

—cont.

7 & 8 Geo. 6.
c. 10.

to whom arrangements under subsection (1) of this section relate and for whom work or training is being provided in pursuance of the Disabled Persons (Employment) Act, 1944, may live;

- (d) for providing persons to whom arrangements under subsection (1) of this section relate with suitable work (whether under a contract of service or otherwise) in their own homes or elsewhere;
- (e) for helping such persons in disposing of the produce of their work;
- (f) for providing such persons with recreational facilities in their own homes or elsewhere;
- (g) for compiling and maintaining classified registers of the persons to whom arrangements under subsection (1) of this section relate.

(5) A local authority may recover from persons availing themselves of any service provided under this section such charges (if any) as, having regard to the cost of the service, the authority may determine, whether generally or in the circumstances of any particular case.

(6) Nothing in the foregoing provisions of this section shall authorise or require—

- (a) the payment of money to persons to whom this section applies, other than persons for whom work is provided under arrangements made by virtue of paragraph (c) or paragraph (d) of subsection (4) of this section or who are engaged in work which they are enabled to perform in consequence of anything done in pursuance of arrangements made under this section; or
- (b) the provision of any accommodation or services required to be provided under the National Health Service Act, 1946, or the National Health Service (Scotland) Act, 1947.

(7) A person engaged in work in a workshop provided under paragraph (c) of subsection (4) of this section, or a person in receipt of a superannuation allowance granted on his retirement from engagement in any such workshop, shall be deemed for the purposes of this Act to continue to be ordinarily resident in the area in which he was ordinarily resident immediately before he became engaged in the work.

30.—(1) A local authority may, if the scheme under the last foregoing section so provides, employ as their agent for the purposes of that section any voluntary organisation for the time being registered in accordance with this Act

Voluntary
organisa-
tions for
disabled
persons'
welfare.

being an organisation having for its sole or principal object or among its principal objects the promotion of the welfare of persons to whom the last foregoing section applies.

PART III.
—cont.

(2) A local authority may make contributions to the funds of any such organisation as is referred to in the last foregoing subsection.

(3) Section one hundred and two of the Local Government Act, 1929, and section sixty-four of the Local Government (Scotland) Act, 1929 (which sections so far as still in force provide for the making of schemes for contribution by local authorities to voluntary associations providing services for the welfare of the blind) shall cease to have effect.

19 & 20 Geo. 5.
c. 17.
19 & 20 Geo. 5.
c. 25.

31. A local authority may make contributions to the funds of any voluntary organisation whose activities consist in or include the provision of recreation or meals for old people.

Contributions
to old people's
organisations.

Financial adjustments between Local Authorities.

32.—(1) Any expenditure which apart from this section would fall to be borne by a local authority—

Adjustments
between
authority
providing
accommoda-
tion, &c., and
authority of
area of
residence.

- (a) in the provision under this Part of this Act of accommodation for a person ordinarily resident in the area of another local authority, or
- (b) in the provision under section twenty-nine of this Act of services for a person ordinarily so resident, or
- (c) in providing under paragraph (a) of subsection (7) of section twenty-one of this Act for the conveyance of a person ordinarily resident as aforesaid,

shall be recoverable from the said other local authority.

(2) For the purposes of paragraph (a) of the last foregoing subsection it shall be assumed that the expenditure incurred by a local authority in providing accommodation for any person is, as respects accommodation provided in premises managed by a local authority, at the rate for the time being fixed for that accommodation under subsection (2) of section twenty-two of this Act, and, as respects accommodation provided pursuant to an arrangement made under section twenty-six of this Act, at the rate referred to in subsection (2) of that section.

(3) Any question arising under this Part of this Act as to the ordinary residence of a person shall be determined by the Minister.

PART III.

—*cont.*Local
Authorities
for purposes
of Part III.*Local and Central Authorities.*

33.—(1) In this Part of this Act the expression “local authority” means the council of a county or county borough in England or Wales, and the council of a county or of a large burgh in Scotland:

Provided that in section thirty-one of this Act the said expression means as respects England and Wales any such council as is specified in the definition of the said expression in section sixty-four of this Act, and as respects Scotland a county, town or district council.

(2) The provisions of the Third Schedule to this Act shall have effect with respect to the establishment of committees and joint boards for the purposes of this Part of this Act.

Provisions
as to local
authority
schemes.

34.—(1) The following provisions of this section shall have effect as to schemes made under section twenty-one or twenty-nine of this Act.

(2) Subject to the provisions of this section, any such scheme shall be made by the local authority and submitted to the Minister, and shall come into force when approved by him.

(3) Not later than the date on which any such scheme is submitted to the Minister by the council of a county, that council shall send a copy of the scheme—

(a) in the case of London to the Common Council of the City of London and to the council of each metropolitan borough;

(b) in the case of any other county, to the council of each county district in the county;

and the Minister before approving the scheme shall take into consideration any representations by any such council as is referred to in paragraph (a) or (b) of this subsection made with respect to the scheme within one month from the date on which it was submitted to the Minister.

(4) The Minister may approve any such scheme submitted to him either in the form in which it is submitted or with such modifications as he thinks fit.

(5) Any scheme under either of the said sections may be varied or revoked by a subsequent scheme thereunder, and the provisions of the three last foregoing subsections shall apply to such a varying or revoking scheme.

(6) Where in the case of any local authority no scheme is for the time being in force for the exercise of their functions under section twenty-one of this Act, or for the exercise of any powers under section twenty-nine of this Act which the authority are under a duty to exercise, the Minister may require the authority, within such time as he may specify,

to submit such a scheme to him for his approval, and if the authority—

PART III.
—cont.

- (a) fail to comply with the requirement, or
- (b) submit a scheme which appears to the Minister not proper to be approved by him either as submitted or with modifications,

the Minister may himself make a scheme for the exercise of the said functions or powers by the local authority.

(7) Where it appears to the Minister that by reason of a change of circumstances it is expedient that any scheme for the exercise by a local authority of their functions under section twenty-one or twenty-nine of this Act should be varied, the Minister may require the authority, within such time as he may specify, to submit to him for his approval a scheme for varying the first-mentioned scheme in such respects as may be specified in the requirement, and if the local authority fail to comply with the requirement the Minister may himself make the varying scheme.

(8) This section shall have effect in its application to Scotland as if for subsection (3) the following subsection were substituted:—

“(3) Not later than the date on which any scheme made under section twenty-one of this Act is submitted to the Minister by the council of a county, the council shall send a copy of the scheme to the town council of each small burgh in the county and the Minister before approving the scheme shall take into consideration any representations by any such town council made with respect to the scheme within one month from the date on which it was submitted to the Minister.”

35.—(1) For the purposes of this Part of this Act the expression “the Minister” means the Minister of Health as respects England and Wales, and the Secretary of State as respects Scotland. Central
Authority for
purposes of
Part III.

(2) Subject to the provisions of schemes under this Part of this Act, local authorities shall exercise their functions under this Part of this Act (including any discretion conferred on them thereunder) under the general guidance of the Minister, and in accordance with the provisions of any regulations of the Minister made for the purposes of this subsection.

(3) Without prejudice to the generality of the last foregoing subsection, regulations thereunder—

- (a) may provide for conferring on officers of the Minister authorised under the regulations such powers of inspection as may be prescribed in relation to the exercise of functions under this Part of this Act by or by arrangement with or on behalf of local authorities;

PART III.
—cont.

- (b) may prescribe requirements as to the provision to be made in rules for the conduct of, and preservation of order in, premises in which accommodation is provided under this Part of this Act by local authorities;
- (c) may make provision with respect to the qualifications of officers employed by local authorities for the purposes of this Part of this Act or by voluntary organisations acting under arrangements with or on behalf of local authorities for those purposes.

Default powers
of Minister.

36.—(1) Where the Minister is of opinion, whether on representations made to him or otherwise, that a local authority have failed to discharge any of their functions under this Part of this Act, or have in the discharge thereof failed to comply with any regulations relating thereto, he may after such inquiry as he may think fit make an order declaring the authority to be in default.

(2) An order under the last foregoing subsection shall direct the authority, for the purpose of remedying the default, to discharge such of their functions, in such manner and within such time or times, as may be specified in the order; and if the authority fail to comply with any direction given under this subsection within the time specified in the order, then without prejudice to any other means of enforcing the order the Minister may make an order transferring to himself such of the functions of the authority as he thinks fit.

(3) Any expenses certified by the Minister to have been incurred by him in discharging functions transferred to him under this section shall on demand be paid to him by the authority from which the functions were transferred.

(4) An authority shall have the like power of raising money required for paying expenses certified by the Minister as aforesaid as they have of raising money for paying expenses incurred directly by them, and the payment of any expenses certified as aforesaid shall, to such extent as may be sanctioned by the Minister, be a purpose for which the authority may borrow money in accordance with the statutory provisions relating to borrowing by that authority.

(5) An order under this section may contain such incidental or supplemental provisions as appear to the Minister to be necessary or expedient, including provision for the transfer to the Minister of property and liabilities of the authority in default.

(6) Where any such order is varied or revoked by a subsequent order, the revoking order or a subsequent order may make provision for the re-transfer to the authority in default of any property or liabilities transferred from that authority to the Minister under the first-mentioned order and for the transfer to that authority of any property or liabilities acquired or incurred by the Minister in discharging any of the functions transferred to him.

PART IV.

GENERAL AND SUPPLEMENTARY.

Registration etc. of homes for disabled persons and the aged and charities for disabled persons.

37.—(1) If any person carries on a disabled persons' or old persons' home without being registered under this section in respect thereof, he shall be liable on summary conviction to a fine not exceeding fifty pounds or, in the case of a second or subsequent offence, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine.

Registration of disabled persons' or old persons' homes.

(2) An application for registration under this section shall be made to the registration authority, that is to say the council of the county, county borough or large burgh in the area of which the home is situated, and shall be accompanied by a fee of five shillings.

(3) Subject to the provisions of this section the registration authority shall, on receipt of an application under the last foregoing subsection, register the applicant in respect of the home named in the application and issue to him a certificate of registration:

Provided that the authority may by order refuse to register the applicant if they are satisfied—

- (a) that he or any person employed or proposed to be employed by him in the management of the home or any part thereof is not a fit person, whether by reason of age or otherwise, to carry on or to be so employed at a home of such a description as the home named in the application; or
- (b) that for reasons connected with situation, construction, state of repair, accommodation, staffing or equipment, the home or any premises used in connection therewith are not fit to be used for a home of such a description as aforesaid; or
- (c) that the way in which it is proposed to conduct the home is such as not to provide services or facilities reasonably required by persons resorting to such a home.

PART IV.
—cont.

(4) The registration authority may by order at any time cancel the registration of a person in respect of a home on any ground which would entitle them to refuse an application for the registration of that person in respect of that home or on the ground that that person has been convicted of an offence against this section or against regulations under this Part of this Act relating to the conduct of disabled persons' or old persons' homes, or on the ground that any other person has been convicted of such an offence in respect of that home.

(5) The certificate of registration under this section issued in respect of any home shall be kept affixed in a conspicuous place in the home; and if default is made in complying with this subsection the person carrying on the home shall be liable on summary conviction to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor.

(6) Notwithstanding anything in subsection (1) of this section, where the person registered under this section in respect of a home dies his executor or his widow or any other member of his family may for a period not exceeding four weeks from his death, or such longer period as the registration authority may sanction, carry on the home without being registered in respect thereof.

(7) Where an offence against this section or any regulations under this Part of this Act relating to disabled persons' or old persons' homes has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(8) The registers kept for the purposes of this section shall be available for inspection at all reasonable times, and a person inspecting any such register shall be entitled to make copies of entries therein on payment of such fee (if any), not exceeding one shilling for each entry, as the registration authority may determine.

(9) In this Act the expression "disabled persons' or old persons' home" means any establishment the sole or main object of which is, or is held out to be, the provision of accommodation, whether for reward or not, for persons to

whom section twenty-nine of this Act applies or for the aged or for both:

Provided that the said expression does not include—

- (a) any hospital maintained in pursuance of an Act of Parliament,
- (b) any institution for persons of unsound mind within the meaning of the Lunacy and Mental Treatment Acts, 1890 to 1930 or any mental hospital within the meaning of the Lunacy (Scotland) Acts, 1857 to 1913,
- (c) any institution, house or home certified or approved under the Mental Deficiency Acts, 1913 to 1927 or the Mental Deficiency (Scotland) Acts, 1913 and 1940,
- (d) any nursing home as defined in Part VI of the Public Health Act, 1936, or the Nursing Homes Registration (Scotland) Act, 1938, 26 Geo. 5. &
1 Edw. 8. c. 49.
1 & 2 Geo. 6.
c. 73.
- (e) any voluntary home as defined in Part V of the Children and Young Persons Act, 1933, or Part VI of the Children and Young Persons (Scotland) Act, 1937, 23 & 24 Geo. 5.
c. 12.
1 Edw. 8. &
1 Geo. 6. c. 37.
- (f) any other premises being premises managed by a Government department or local authority, the Scottish Special Housing Association, or any other authority or body constituted by special Act of Parliament or incorporated by Royal Charter, or
- (g) any existing establishment exempted from the operation of this section by or under regulations of the Minister of Health made after consultation with the Charity Commissioners, or as respects Scotland by or under regulations made by the Secretary of State.

In the last foregoing paragraph the expression “existing establishment” means an establishment which was being carried on immediately before the coming into operation of this section, but no establishment so carried on shall be exempted under that paragraph as respects any premises in which it was not being carried on immediately before the coming into operation of this section.

38.—(1) Not less than fourteen days before making under the last foregoing section an order refusing an application for registration or an order cancelling any registration, the registration authority shall send by post to the applicant or to the person registered, as the case may be, notice of their intention to make such an order. Procedure
and right of
appeal where
registration
refused or
cancelled.

(2) Every such notice shall state the grounds on which the authority intend to make the order and shall contain an intimation that if within fourteen days after the receipt of the

PART IV.
—cont.

notice the applicant or person registered, as the case may be, informs the authority in writing of his desire to show cause, in person or by a representative, why the order should not be made, the authority will before making the order afford him an opportunity so to do.

(3) If the registration authority, after giving the applicant or person registered, as the case may be, an opportunity of being heard by them, decide to refuse the application for registration, or to cancel the registration, they shall make an order to that effect and shall send a copy of the order by post to the applicant or person registered, as the case may be.

(4) A person aggrieved by an order refusing an application for registration under the last foregoing section or cancelling any registration thereunder may appeal to a court of summary jurisdiction having jurisdiction in the place where the home in question is situated; and the cancellation under the last foregoing section of any registration shall not take effect until the expiration of the time within which an appeal may be brought under this subsection or, where such an appeal is brought, before the determination of the appeal.

(5) Sections three hundred to three hundred and two of the Public Health Act, 1936 (which relate to appeals) shall apply for the purposes of this section as if this and the last foregoing section were contained in that Act and that Act extended to London.

(6) In the application of this section to Scotland, subsection (5) shall be omitted, and any appeal against an order under subsection (4) shall be brought within twenty-one days from the date of the order.

Inspection of
disabled
persons' and
old persons'
homes.

39.—(1) Any person authorised in that behalf by the Minister of Health, or as respects Scotland by the Secretary of State, may at all reasonable times enter and inspect any premises which are used, or which that person has reasonable cause to believe to be used, for the purposes of a disabled persons' or old persons' home.

(2) Any person authorised in that behalf by the registration authority may at all reasonable times enter and inspect any premises in the area of the authority which are used, or which that person has reasonable cause to believe to be used, as aforesaid.

Supple-
mentary pro-
visions as to
regulation of
disabled
persons' or
old persons'
homes.

40.—(1) The Minister of Health, or as respects Scotland the Secretary of State, may make regulations as to the conduct of disabled persons' or old persons' homes, and in particular—

(a) for empowering the registration authority to limit the number of persons or persons of any description who

may be received into any such home and for enabling registration of any such home to be made subject to the condition that persons shall not be received therein in excess of the number fixed for the home in accordance with the regulations;

(b) as to the facilities and services to be provided in such homes.

(2) The registers to be kept by registration authorities for the purposes of section thirty-seven of this Act shall be in such form, and contain such particulars, as may be provided by regulations under this section, and such regulations may make provision as to the information to be supplied on any application for registration under the said section thirty-seven.

(3) Regulations under this section may provide that a contravention of or failure to comply with any specified provision of the regulations shall be an offence against the regulations; and any person guilty of an offence against regulations under this section shall be liable on summary conviction to a fine not exceeding five pounds or, in the case of a second or subsequent offence, to a fine not exceeding twenty pounds.

41.—(1) The War Charities Act, 1940, shall, subject to the provisions of this section, have effect as if throughout that Act references to a war charity included references to any charity for disabled persons, that is to say, any fund, institution, association or undertaking, whether established before or after the passing of this Act, having for its sole or principal object or among its principal objects the promotion of the welfare of persons to whom section twenty-nine of this Act applies.

Registration
of charities for
disabled
persons.
3 & 4 Geo. 6.
c. 31.

(2) In the application of the said Act of 1940 to charities for disabled persons, the provisions of that Act shall have effect subject to the following provisions of this subsection:—

(a) the registration authorities shall be the councils of counties, county boroughs and large burghs;

(b) in relation to charities not being war charities as defined in the said Act of 1940 as originally enacted, subsection (3) of section one of that Act shall be amended by the substitution for the reference to the passing of that Act of a reference to the coming into operation of this section;

(c) notwithstanding anything in subsection (1) of section two of the said Act of 1940, the registration authority may refuse to register a charity if they are satisfied that its objects are adequately attained by a charity registered in accordance with this section;

PART IV.
—cont.

(d) regulations made by the Charity Commissioners under section four of the said Act of 1940 shall be subject to the approval of the Minister of Health instead of the Secretary of State;

(e) paragraph (e) of subsection (1) of the said section four (under which regulations may require appeals and advertisements to state that a charity is registered under the said Act of 1940) shall have effect as if for the words "under this Act" there were substituted the words "in accordance with the National Assistance Act, 1948".

10 & 11 Geo. 5.
c. 49.

(3) Regulations made under section four of the said Act of 1940 shall provide, in the case of a charity for disabled persons which immediately before the coming into operation of this section was registered under the Blind Persons Act, 1920, or the War Charities Act, 1940, for the registration to have effect as registration in accordance with this section, and shall make such consequential provision as may be necessary for that purpose.

9 & 10 Geo. 6.
c. 13.

(4) In section two of the Finance (No. 2) Act, 1945 (which provides for exemption from purchase tax on wireless receivers belonging to charities registered under section three of the Blind Persons Act, 1920) for the words "under section three of the Blind Persons Act, 1920" there shall be substituted the words "in accordance with section forty-one of the National Assistance Act, 1948, or any corresponding enactment of the Parliament of Northern Ireland."

Recovery of Expenses.

Liability to
maintain wife
or husband,
and children.

42.—(1) For the purposes of this Act—

(a) a man shall be liable to maintain his wife and his children, and

(b) a woman shall be liable to maintain her husband and her children.

(2) The reference in paragraph (a) of the last foregoing subsection to a man's children includes a reference to children of whom he has been adjudged to be the putative father, and the reference in paragraph (b) of that subsection to a woman's children includes a reference to her illegitimate children.

(3) In the application of subsection (2) of this section to Scotland, for the reference to children of whom a man has been adjudged to be the putative father there shall be substituted a reference to children whose paternity of whom has been admitted or otherwise established.

PART IV.
—cont.

Recovery of
cost of
assistance
from persons
liable for
maintenance.

43.—(1) Where assistance is given or applied for by reference to the requirements of any person (in this section referred to as a person assisted), the Board or the local authority concerned may make a complaint to the court against any other person who for the purposes of this Act is liable to maintain the person assisted.

(2) On a complaint under this section the court shall have regard to all the circumstances and in particular to the resources of the defendant, and may order the defendant to pay such sum, weekly or otherwise, as the court may consider appropriate.

(3) For the purposes of the application of the last foregoing subsection to payments in respect of assistance given before the complaint was made, a person shall not be treated as having at the time when the complaint is heard any greater resources than he had at the time when the assistance was given.

(4) In this section the expression “ assistance ” means an assistance grant, assistance in kind or assistance given under section ten of this Act (hereinafter referred to as “ assistance under Part II of this Act ”), or the provision of accommodation under Part III of this Act (hereinafter referred to as “ assistance under Part III of this Act ”); and the expression “ the court ” means a court of summary jurisdiction having jurisdiction in the place where the assistance was given or applied for.

(5) Payments under subsection (2) of this section shall be made—

- (a) to the Board or the local authority concerned, in respect of the cost of assistance, whether given before or after the making of the order, or
- (b) to the applicant for assistance or any other person being a person assisted, or
- (c) to such other person as appears to the court expedient in the interests of the person assisted,

or as to part in one such manner and as to part in another, as may be provided by the order.

(6) The payments to be made to the Board or a local authority under this section shall (irrespective of the recipient thereof) be applied as follows, that is to say—

- (a) payments in respect of any period during which the person assisted was in receipt of assistance both under Part II of this Act and also under Part III thereof shall inure for the benefit of the Board up to an amount equal to the cost of the assistance under Part II of this Act, and the balance, if any, shall inure for the benefit of the local authority giving the assistance under Part III of this Act,

PART IV.
—cont.

- (b) payments in respect of any other period shall inure for the benefit of the Board or local authority giving assistance,

and such adjustments shall be made between the Board and local authorities as may be requisite for giving effect to the foregoing provisions of this subsection.

Affiliation
orders.

44.—(1) The following provisions of this section shall have effect where—

- (a) assistance is given under Part II of this Act by reference to the requirements of an illegitimate child, or
(b) accommodation is provided for an illegitimate child by, or by arrangement with, a local authority under Part III of this Act,

and the provisions of the last foregoing section shall not apply in relation to the father of the child.

35 & 36 Vict.
c. 65.

(2) If no affiliation order is in force, the Board or local authority may within three years from the time when the assistance was given or accommodation provided make application to a court of summary jurisdiction having jurisdiction in the place where the mother of the child resides for a summons to be served under section three of the Bastardy Laws Amendment Act, 1872.

(3) In any proceedings on an application under the last foregoing subsection the court shall hear such evidence as the Board or local authority may produce, in addition to the evidence required to be heard by section four of the said Act of 1872, and shall in all other respects, but subject to the provisions of the next following subsection, proceed as on an application made by the mother under the said section three.

(4) An order under section four of the said Act of 1872 made on an application under subsection (2) of this section may be made so as to provide that the payments, or a part of the payments, to be made thereunder shall, in lieu of being made to the mother or a person appointed to have the custody of the child, be made to the Board or local authority or to such other person as the court may direct.

(5) On an application by the Board or local authority in any proceedings under the said section three brought by the mother of the child an order under the said section four may be made so as to provide as aforesaid.

(6) Any order under the said section four, whether made before or after the commencement of this Act, may on the application of the Board or local authority be varied so as to provide as aforesaid; and any order under the said section four which provides as aforesaid may on the application of

the mother of the child be varied so as to provide that the payments thereunder shall be made to the mother or a person appointed to have the custody of the child.

(7) In the application of this section to Scotland, subsection (1) shall have effect as if all the words after “ Part III of this Act ” were omitted and the following provisions shall have effect in substitution for the five last foregoing subsections:—

(a) the Board or the local authority shall have the like right as the mother to raise an action of affiliation and aliment concluding for payment of aliment for the child;

(b) where in any action of affiliation and aliment in respect of the child, whether at the instance of the Board or the local authority under the last foregoing paragraph or at the instance of the mother, the court grants or has granted decree against any person for payment of aliment for the child, the court may, at the time of granting the decree or at any subsequent time, on the application of the Board or the local authority, order that the sums due under the decree or any part thereof shall in lieu of being paid to the mother of the child be paid to the Board or the local authority or such other person as the court may direct;

(c) the Board, or local authority or other person in whose favour any such order as aforesaid is made shall have the like right to enforce the decree (so far as relating to the said sums) by diligence, including the right to take proceedings under the Civil Imprisonment (Scotland) Act, 1882, as if the decree were a decree in favour of the Board or authority or person. ^{45 & 46 Vict. c. 42.}

(8) Subsection (6) of the last foregoing section shall apply to payments recovered by the Board or local authority under an order made in pursuance of subsections (4) to (7) of this section as it applies to payments recovered by the Board or local authority under that section.

(9) The Secretary of State may issue such new or altered forms of proceedings as he may deem necessary or expedient for giving effect to the foregoing provisions of this section, so far as they apply to England and Wales.

45.—(1) If, whether fraudulently or otherwise, any person misrepresents or fails to disclose any material fact, and in consequence of the misrepresentation or failure— Recovery in cases of misrepresentation or non-disclosure.

(a) the Board or a local authority incur any expenditure under Part II or Part III of this Act, or

PART IV.
—cont.

(b) any sum recoverable under this Act by the Board or a local authority is not recovered, the Board or authority shall be entitled to recover the amount thereof from the said person.

(2) If any question arises, whether in or in connection with any legal proceedings or otherwise, as to the amount which the Board are entitled in any case to recover under the last foregoing subsection, the question shall be referred to the Appeal Tribunal.

(3) On any reference under the last foregoing subsection a certificate signed by the clerk of the Appeal Tribunal setting forth the decision of the Tribunal upon the question referred shall be conclusive evidence of the amount recoverable under subsection (1) of this section.

(4) For the purposes of this section, any certificate purporting to be signed by the clerk of the Appeal Tribunal shall be deemed to be so signed unless the contrary is proved.

Miscellaneous.

Amendments
of Old Age
Pensions Act,
1936.

46.—(1) In calculating the means of a person for the purposes of the Old Age Pensions Act, 1936, no account shall be taken—

- (a) of any assistance grant, or
- (b) of the value to that person of accommodation provided by, or by arrangement with, a local authority under Part III of this Act.

(2) Regulations under section twelve of the said Act of 1936 may provide that where a person is undergoing medical or other treatment as an in-patient in a hospital or similar institution no account shall be taken, in calculating his means for the purposes of the First Schedule to that Act, of the value to him of the accommodation, maintenance and services provided in the hospital or institution, but that his pension under that Act shall be adjusted to such extent as may be specified in the regulations.

(3) All such claims for old age pensions and questions relating thereto as are mentioned in subsection (1) of section eight of the said Act of 1936 shall be decided by the Board, subject however to the right of a person aggrieved by a decision of the Board to refer the decision to the Appeal Tribunal; and accordingly for the words in the said subsection (1) from “shall be considered and determined as follows” to the end of the subsection there shall be substituted—

“shall be decided by the National Assistance Board.

(1A) Any person aggrieved by a decision of the Board under the last foregoing subsection may refer the claim or question to which the decision relates for decision by the Appeal Tribunal constituted under the National Assistance Act, 1948."

PART IV.
—cont.

(4) The said Act of 1936 shall have effect subject to the amendments specified in the Fourth Schedule to this Act, being minor amendments and amendments consequential on the foregoing provisions of this section.

47.—(1) The following provisions of this section shall have effect for the purposes of securing the necessary care and attention for persons who—

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

(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 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.

PART IV.
—cont.

(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 on 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.

(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. 26 Geo. 5 &
1 Edw. 8. c. 50.

(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.

48.—(1) Where a person—

- (a) is admitted as a patient to any hospital, or
- (b) is admitted to accommodation provided under Part III of this Act, or
- (c) is removed to any other place under an order made under subsection (3) of the last foregoing section,

Duty of councils to provide temporary protection for property of persons admitted to hospitals etc.

and it appears to the council that there is danger of loss of, or damage to, any movable property of his by reason of his temporary or permanent inability to protect or deal with the property, and that no other suitable arrangements have been or are being made for the purposes of this subsection, it shall be the duty of the council to take reasonable steps to prevent or mitigate the loss or damage.

(2) For the purpose of discharging the said duty, the council shall have power at all reasonable times to enter any premises which immediately before the person was admitted or removed as aforesaid were his place of residence or usual place of residence, and to deal with any movable property of his in any way which is reasonably necessary to prevent or mitigate loss thereof or damage thereto.

PART IV.
—cont

(3) A council may recover from a person admitted or removed as aforesaid, or from any person who for the purposes of this Act is liable to maintain him, any reasonable expenses incurred by the council in relation to him under the foregoing provisions of this section.

(4) In this section the expression "council" means in relation to any property the council of the county, county borough or large burgh in the area of which the property is for the time being situated.

Expenses of
council officers
acting as
Receivers.
8 Edw. 7. c. 47.

49. Where an officer of the council of a county or county borough with the permission of the council applies for appointment under section one of the Lunacy Act, 1908, to exercise the powers of management of property referred to in that section, the council may defray any expenses incurred by him in connection with the application or the exercise of the said powers, in so far as those expenses are not recoverable by him from any other source.

Burial or
cremation of
the dead.

50.—(1) It shall be the duty of every authority to which this subsection applies to cause to be buried or cremated the body of any person who has died or been found dead in their area, in any case where it appears to the authority that no suitable arrangements for the disposal of the body have been or are being made otherwise than by the authority.

(2) The authorities to which the last foregoing subsection applies are 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 county and town councils.

(3) The council of a county, county borough or large burgh may cause to be buried or cremated the body of any deceased person who immediately before his death was being provided with accommodation under Part III of this Act by, or by arrangement with, the council or was living in a hostel provided by the council under section twenty-nine of this Act.

(4) An authority may recover from the estate of the deceased person or from any person who for the purposes of this Act was liable to maintain the deceased person immediately before his death expenses incurred under subsection (1) or subsection (3) of this section and not reimbursed under the next following subsection.

(5) The provisions of subsection (5) of section twenty-two of the National Insurance Act, 1946 (which enable the Minister of National Insurance to make payments to certain authorities out of the National Insurance Fund in respect of the cost of burial or cremation of certain persons) shall apply to all authorities to which subsection (1) of this section applies.

(6) Nothing in the foregoing provisions of this section shall affect any enactment regulating or authorising the burial, cremation or anatomical examination of the body of a deceased person; and an authority shall not cause a body to be cremated under this section where they have reason to believe that cremation would be contrary to the wishes of the deceased.

(7) The Burial of Drowned Persons Act, 1808, and the Burial of Drowned Persons Act, 1886, shall cease to have effect. 48 Geo. 3. c. 75.
49 & 50 Vict.
c. 20.

51.—(1) Where a person persistently refuses or neglects to maintain himself or any person whom he is liable to maintain for the purposes of this Act, and in consequence of his refusal or neglect assistance under Part II of this Act is given to, or accommodation under Part III thereof is provided for, himself or any other person, he shall be guilty of an offence. Failure to maintain.

(2) For the purposes of this section, a person shall not be deemed to refuse or neglect to maintain himself or any other person by reason only of anything done or omitted in furtherance of a trade dispute.

(3) A person guilty of an offence under this section shall be liable on summary conviction—

- (a) where the assistance was given to him, or the accommodation provided for him, to imprisonment for a term not exceeding three months;
- (b) in any other case, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.

52.—(1) If any person—

- (a) for the purpose of obtaining, either for himself or for another person, any benefit under Part II or Part III of this Act; or
- (b) for the purpose of avoiding or reducing any liability under this Act,

False statements.

makes any statement or representation which he knows to be false, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such imprisonment and such fine.

(2) Notwithstanding anything in any enactment, proceedings for an offence under this section may be begun at any time within three months from the date on which evidence sufficient in the opinion of the Board or the local authority concerned to justify a prosecution for the offence comes to the

PART IV.
—cont.

knowledge of the Board or local authority, or within twelve months from the commission of the offence, whichever period is the longer.

(3) For the purposes of the last foregoing subsection, a certificate of the Board or of the local authority as to the date on which such evidence as aforesaid came to the knowledge of the Board or the local authority, as the case may be, shall be conclusive proof thereof.

(4) In the application of this section to Scotland, for the references to evidence sufficient to justify a prosecution there shall be substituted references to evidence sufficient to justify a report to the Lord Advocate with a view to consideration of the question of prosecution.

*Supplementary*The Appeal
Tribunal.

53. For the purposes of this Act, the Appeal Tribunal shall be such of the tribunals constituted in accordance with the provisions of the Fifth Schedule to this Act as under that Schedule has jurisdiction in the case in question.

Inquiries.

54. The Minister of Health, or as respects Scotland the Secretary of State, may cause such inquiries to be held as he may deem necessary or desirable for the purposes of this Act.

Provisions as
to entry and
inspection.

55.—(1) A person who proposes to exercise any power of entry or inspection conferred by this Act shall if so required produce some duly authenticated document showing his authority to exercise the power.

(2) Any person who obstructs the exercise of any such power as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds in the case of a first offence or twenty pounds in the case of a second or any subsequent offence.

Legal
proceedings.

56.—(1) Without prejudice to any other method of recovery, any sum due under this Act to the Board or to a local authority shall be recoverable summarily as a civil debt.

(2) Notwithstanding anything in any Act, proceedings for the recovery of any sum in the manner provided by the last foregoing subsection may be brought at any time within three years after the sum became due.

(3) The council of a county or county borough may prosecute for any offence under this Act.

(4) Where the Board are a party to any proceedings under this Act before a court of summary jurisdiction, any officer of the Board authorised in that behalf by a general or special direction of the Board may appear on behalf of the Board notwithstanding that he is not of counsel or a solicitor.

(5) This section shall apply to Scotland with the omission in subsection (1) thereof of the word " summarily ", with the substitution for subsection (2) thereof of the following subsection—

PART IV.
—cont.

" (2) Proceedings for the recovery of any such sum as aforesaid shall not be competent after the expiry of three years after the date when the sum became due." and with the omission of subsection (3) thereof.

57.—(1) The Treasury may make regulations authorising or requiring the Postmaster-General and his officers and any officers of a savings bank to make such disclosure of holdings of Government stock on the Post Office Register and National Savings Certificates and of deposits in the bank as may appear necessary for the purpose of ascertaining the war savings of a person under the provisions of the Second Schedule to this Act or any corresponding enactment of the Parliament of Northern Ireland, notwithstanding that such disclosure is prohibited by or under any Act or by the rules of the bank in question.

Ascertainment
of war
savings.

(2) This section shall extend to Northern Ireland.

58.—(1) The council of a county borough may be authorised by the Minister of Health to purchase compulsorily any land, whether situate within or without the area of the council, for the purpose of any of their functions under Part III of this Act, and the council of a county or large burgh in Scotland may be authorised by the Secretary of State to purchase compulsorily any land, whether situated within or outside the county or burgh, for the purpose of any of their functions under the said Part III.

Acquisition
of land.

(2) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply in relation to the compulsory purchase of land by the council of a county borough under this section as, by virtue of subsection (1) of section one hundred and fifty-nine of the Local Government Act, 1933, it applies to the compulsory purchase of land by a county council for the purpose of their functions under Part III of this Act; and accordingly for the purposes of the said Act of 1946 subsection (1) of this section shall be deemed to have been in force immediately before the commencement of that Act.

9 & 10 Geo. 6.
c. 49.

23 & 24 Geo. 5.
c. 51.

(3) Section two of the said Act of 1946 (which confers temporary powers for the speedy acquisition of land in urgent cases) shall not apply to the acquisition of land for the purposes of this Act, whether by a county council or by a county borough council.

(4) The provisions of the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 (other than section two thereof) shall apply in relation to the compulsory purchase

10 & 11 Geo. 6.
c. 42.

PART IV.
—cont.

of land under this section as if subsection (1) thereof had been in force immediately before the commencement of the said Act.

Accounts of
councils of
county
boroughs.

59.—(1) The council of every county borough shall keep accounts of the sums received and expended by them in the exercise of their functions under this Act, and those accounts shall be made up and audited in like manner as the accounts of a county council and shall be kept separately from their other accounts.

(2) 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 are required to keep under this section as they have effect in relation to the accounts of a county council.

Compensation
of displaced
officers.

60.—(1) The Minister of Health, or as respects Scotland the Secretary of State, may by regulations provide for the payment by councils of counties, county boroughs and large burghs, subject to any prescribed exceptions or conditions, of compensation—

- (a) to persons of such descriptions as may be prescribed who immediately before such date as may be prescribed in relation to the description of persons in question were employed or engaged in such full-time work as may be prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to the passing of the National Insurance Acts, 1946, the National Health Service Act, 1946, the National Health Service (Scotland) Act, 1947, or this Act; and
- (b) to persons of such descriptions as may be prescribed who, having before such date as aforesaid been employed or engaged in such full-time work as may be prescribed and being persons who would have been so employed or engaged immediately before that date but for any national service (as defined in the regulations) in which they have been engaged, lose the prospect of their re-employment or re-engagement in any such work in consequence of the passing of any of the said Acts,

in so far as provision is not made in that behalf by or under any other enactment.

(2) The Treasury may by regulations provide for the payment out of moneys provided by Parliament of compensation, subject to any prescribed exceptions or conditions, to persons employed for the purposes of pension committees established under the Old Age Pensions Act, 1936, who suffer

loss of employment attributable to the passing of this Act, being persons who are in full-time employment in service which is either wholly for the said purposes or mainly for those purposes and as to the remainder for the purposes of the council of any county, borough or urban district or of any county or town council in Scotland.

(3) Regulations under either of the two last foregoing subsections may provide for the determination of questions arising under the regulations.

61.—(1) There shall be defrayed out of moneys provided by Parliament— PART IV.
—cont.
Expenses and receipts.

(a) the expenses of the Board incurred in giving assistance under this Act (including the defraying of travelling expenses of persons applying for or receiving assistance and other expenses of the Board incurred for purposes incidental to the giving of assistance), in the provision and management of re-establishment centres and reception centres, and in making contributions to voluntary organisations maintaining centres for purposes similar to the purposes of re-establishment centres and reception centres, and any other expenses of the Board being administrative expenses incurred under or by virtue of this Act;

(b) the salaries and allowances of the secretary, other officers and servants of the Board and any expenses incurred under the provisions of this Act relating to payments to members of advisory committees and of the Appeal Tribunal and to persons attending proceedings before the Appeal Tribunal;

(c) any expenses of the Minister of Health or the Secretary of State incurred under section twenty-eight or thirty-six of this Act;

(d) any increase attributable to this Act in the sums payable out of moneys provided by Parliament under the Old Age Pensions Act, 1936, the National Health Service Act, 1946, or the National Health Service (Scotland) Act, 1947;

(e) the administrative expenses incurred under this Act of any Government department.

(2) All receipts under this Act of the Minister of Health, the Secretary of State or the Board shall be paid into the Exchequer.

62.—(1) The transitional provisions set out in the Sixth Schedule to this Act shall have effect for the purposes of this Act. Transitional provisions, consequential adaptation of enactments and repeals.

PART IV.
—cont.

(2) Any enactment passed before the passing of this Act which refers to or is dependent on any provision of the existing poor law or the Unemployment Assistance Act, 1934, shall have effect subject to such adaptations as may be provided by regulations of the Minister of Health, or as respects Scotland the Secretary of State, made not later than the expiration of five years from the coming into operation of this section, being adaptations appearing to him consequential on the cesser of the existing poor law or of the provisions of the said Act of 1934 and the replacement thereof by provisions of this Act or of any other Act of the present Session.

(3) The enactments specified in the Seventh Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(4) Regulations made under subsection (2) of this section shall be of no effect unless approved by resolution of each House of Parliament.

Regulations,
rules and
orders.

63.—(1) No regulations or rules of the Board under this Act shall take effect unless confirmed by the Minister of National Insurance.

(2) Any power conferred by this Act on a Minister of the Crown or the Treasury to make or confirm regulations or rules, and the powers conferred by the following provisions of this Act on the Minister of Health and the Secretary of State to make orders, shall be exercisable by statutory instrument.

(3) Any statutory instrument for exercising a power to make or confirm regulations or rules under this Act, other than an instrument for exercising the power to make regulations under section five of this Act or under the last foregoing section, shall be subject to annulment in pursuance of resolution of either House of Parliament.

(4) Any power conferred by this Act to make an order shall, save where the context otherwise requires, be construed as including a power, exercisable in the like manner and subject to the like conditions, to vary or revoke the order.

Interpreta-
tion.

64.—(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“ blind person ” means a person so blind as to be unable to perform any work for which eyesight is essential;

“ child ” means a person under the age of sixteen;

“ dependant ” has the meaning assigned to it by section seven of this Act;

“ disability ” includes mental as well as physical disability;

“ disabled persons’ or old persons’ home ” has the meaning assigned to it by section thirty-seven of this Act;

“ existing poor law ” means the enactments specified in Part I of the Seventh Schedule to this Act or, as respects Scotland, such of those enactments as apply to Scotland together with the enactments specified in Part II of that Schedule;

“ functions ” includes powers and duties;

“ hospital ” has the meaning assigned to it by section seventy-nine of the National Health Service Act, 1946, or as respects Scotland by section eighty of the National Health Service (Scotland) Act, 1947;

“ large burgh ” has the same meaning as in the Local Government (Scotland) Act, 1947; 10 & 11 Geo. 6.
c. 43.

“ local authority ”, save as provided in Part III of this Act, means the council of a county, county borough, county district or metropolitan borough or the Common Council of the City of London;

“ place of employment ” has the same meaning as in section thirteen of the National Insurance Act, 1946;

“ prescribed ” means prescribed by regulations under this Act;

“ requirements ” does not include any medical, surgical, optical, aural or dental requirements;

“ trade dispute ” has the same meaning as in section thirteen of the National Insurance Act, 1946;

“ voluntary organisation ” means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority.

(2) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any enactment, including this Act.

(3) For the purposes of this Act, a person shall be deemed, according to the law in England and Wales as well as according to the law in Scotland, not to have attained the age of sixteen years until the commencement of the sixteenth anniversary of the day of his birth.

PART IV
—cont.General
provisions as
to application
to Scotland.

65. Subject to any express provision contained in this Act, the following provisions shall have effect for the general application thereof to Scotland:—

- (a) references to counties and the councils thereof shall be construed, in relation to counties combined for the purposes mentioned in subsection (1) of section one hundred and eighteen of the Local Government (Scotland) Act, 1947, as references to the combined county and the joint county council;
- (b) a small burgh, as defined in the said Act of 1947, shall, for the purposes of any provision conferring functions on county councils and town councils of large burghs only, be deemed to be included in the county in the area of which it is situated;
- (c) for any reference to a court of summary jurisdiction there shall be substituted a reference to the sheriff;
- (d) for any reference to a complaint there shall be substituted a reference to an application, and the expression “defendant” means respondent in any such application;
- (e) the expression “local authority” means in subsection (3) of section two of this Act a county, town or district council, and elsewhere a county or town council.

Application
to Isles of
Scilly.

66. This Act shall, in its application to the Isles of Scilly, have effect subject to such exceptions, adaptations and modifications as the Minister of Health may by order direct.

Provisions as
to Northern
Ireland.

67.—(1) Any Act of the Parliament of Northern Ireland having effect for purposes similar to all or any of the purposes of this Act may repeal or alter, in its application to Northern Ireland, any such enactment as follows, that is to say—

- (a) any enactment specified in the Seventh Schedule to this Act,
- (b) any other enactment in so far as it refers to or is dependent on any provision of the law relating to the relief of the poor in Northern Ireland,

10 & 11 Geo. 5.
c. 67.

notwithstanding that the enactment was passed after the appointed day for the purposes of section six of the Government of Ireland Act, 1920, or relates to matters with respect to which that Parliament have not, apart from this subsection, power to make laws.

(2) Save as expressly provided therein, the provisions of this Act other than the last foregoing subsection shall not extend to Northern Ireland

68.—(1) This Act may be cited as the National Assistance Act, 1948. PART IV.
—cont.

(2) This Act shall come into operation on such day as the Minister of Health, or as respects Scotland the Secretary of State, may by order appoint, and different days may be appointed in relation to different provisions of this Act. Short title
and
commence-
ment.

SCHEDULES.

Section 2

FIRST SCHEDULE.**CONSTITUTION AND PROCEEDINGS OF NATIONAL ASSISTANCE
BOARD.**

1.—(1) The Board shall be a body corporate by the name of the National Assistance Board with a common seal and shall consist of a chairman, a deputy chairman, and not less than one nor more than four other members appointed by His Majesty by warrant under the Sign Manual.

(2) At least one member of the Board shall be a woman.

2. Every member of the Board shall hold and vacate office in accordance with the terms of his warrant of appointment.

3. No member of the Board shall be capable of being elected to or of sitting in the House of Commons.

4. Any person who has ceased to be a member of the Board shall be eligible for reappointment.

5. The Board may act notwithstanding any vacancy in the number of the Board.

6. There shall be paid to the several members of the Board out of the Consolidated Fund or the growing produce thereof such salaries as may be determined by the Treasury at the time of their appointment respectively, so, however, that the aggregate amount of the salaries of the members of the Board shall not exceed the sum of twelve thousand pounds per annum.

7. The procedure and quorum of the Board shall be such as the Board may from time to time determine.

8. The Board shall appoint a secretary and may appoint such other officers and such servants, and there shall be paid to them such salaries and allowances, as the Board may after consultation with the Minister of National Insurance and with the consent of the Treasury determine.

9. The functions of the Board, and of the officers and servants appointed by the Board, shall be exercised on behalf of the Crown.

10. The Board shall have power to acquire land for the purposes of their functions under this Act, and to dispose of any land held by them which is no longer required for those purposes.

11. Every document purporting to be an instrument issued by the Board and to be sealed with the seal of the Board or to be signed by the secretary of the Board or any person authorised to act in that behalf, shall be received in evidence and be deemed to be such an instrument without further proof, unless the contrary is shown.

SECOND SCHEDULE.

Section 5.

RESOURCES TO BE DISREGARDED.

1. In taking into account the value to any person of an interest in the dwelling-house in which he resides, any sum which might be obtained by him by selling that interest or borrowing money upon the security thereof shall be disregarded.

2.—(1) Subject to the provisions of this Schedule, any capital resources of a person not disregarded by virtue of the foregoing paragraph shall be disregarded up to the smaller of the following amounts, that is to say—

- (a) the aggregate amount of any war savings of the person in question;
- (b) three hundred and seventy-five pounds.

(2) There shall be wholly disregarded any income from capital resources which fall to be disregarded under the last foregoing sub-paragraph.

(3) The amount of the war savings of any person shall be ascertained for the purposes of this paragraph in accordance with the provisions in that behalf of this Schedule.

3. Any capital resources not disregarded by virtue of either of the foregoing paragraphs shall—

- (a) so far as their aggregate value does not exceed fifty pounds, be disregarded together with all income therefrom;
- (b) so far as their aggregate value exceeds fifty pounds but does not exceed four hundred pounds, be treated as equivalent to a weekly income of sixpence for each complete twenty-five pounds.

4. There shall be wholly disregarded—

- (a) any death grant paid to a person under the provisions of section twenty-two of the National Insurance Act, 1946;
- (b) any maternity grant to which a woman is entitled under section fourteen of the National Insurance Act, 1946.

5.—(1) Any such payment or part of a payment as is specified in the following provisions of this paragraph shall be disregarded up to the amount of one pound a week or, if the person in question is in receipt of more than one payment so specified, up to the said amount in the aggregate.

(2) The payments and parts of payments hereinbefore referred to are:—

- (a) the first ten shillings and sixpence a week of any payment of sick pay received from a friendly society or trade union;

2ND SCH.
—cont.

(b) the first ten shillings and sixpence a week of any superannuation payment or superannuation payments in respect of previous service or employment from which the recipient has retired or resigned (whether payable by a former employer or not), not being a payment or payments—

(i) on account of a pension under the Old Age Pensions Act, 1936 or under or by virtue of the Widows', Orphans' and Old Age Contributory Pensions Acts, 1936 to 1941, or under any enactment repealed by any of those Acts, or

(ii) on account of a retirement pension under the National Insurance Act, 1946;

(c) any payment by way of attendance allowance under section fourteen of the National Insurance Act, 1946, and any payment by way of maternity allowance under section fifteen of that Act;

(d) any of the following payments, that is to say—

(i) any payment in respect of retired pay or pension to which section sixteen of the Finance Act, 1919, applies, including any payment in respect of a dependants' allowance attached to such a pension,

(ii) any payment in respect of a disablement pension awarded under the Personal Injuries (Emergency Provisions) Act, 1939, including an increase in such a pension in respect of dependants,

(iii) any weekly payment by way of compensation under any enactment relating to workmen's compensation,

(iv) any payment by way of disablement benefit under section twelve of the National Insurance (Industrial Injuries) Act, 1946.

6. Where under section seven of this Act the resources of two or more persons are to be aggregated, paragraph 2 of this Schedule shall apply to the resources of each of the said persons severally and paragraphs 3 and 5 thereof shall apply to the aggregate of the resources of both or all the said persons.

7.—(1) For the purposes of this Schedule the amount of the war savings of a person shall subject to the provisions of this paragraph be taken to be the aggregate amount of assets of any description specified in the next following sub-paragraph owned by him at the relevant date, reduced by the aggregate amount of any such assets owned by him immediately before the third day of September, nineteen hundred and thirty-nine.

(2) The assets referred to in the last foregoing sub-paragraph are—

(a) Government stock held on the Post Office register issued after the second day of September, nineteen hundred and thirty-nine and acquired by the person in question by subscription at the time of issue or by inheritance;

2ND SCH.
—cont.

- (b) National Savings Certificates and Ulster Savings Certificates;
- (c) money on loan to the Treasury without interest;
- (d) amounts standing to the credit of any account in the Post Office Savings Bank or a Trustee Savings Bank or any other savings bank prescribed for the purposes of this Schedule.

(3) In this paragraph the expression "the relevant date" means the earlier of the following dates, that is to say—

- (a) the date at which the resources of the person in question are being computed;
- (b) such date as His Majesty may by Order in Council determine (hereinafter in this paragraph referred to as "the determined date").

(4) Where at any time after the determined date a person receives payment in respect of an income-tax credit, then, subject to the condition specified in sub-paragraph (6) of this paragraph, in computing his resources at any time after the making of the payment the amount of his war savings shall be taken to include, or if apart from this sub-paragraph he would not be treated as having any war savings shall be taken to be, the amount of the payment.

(5) In computing the resources of a person after the expiration of the prescribed period beginning with the determined date, the provisions of paragraph 2 of this Schedule shall have effect in relation to any assets referred to in sub-paragraph (1) of this paragraph subject to the condition specified in the next following sub-paragraph.

(6) The condition hereinbefore referred to is that either—

- (a) there is produced to the authority computing resources a certificate in the prescribed form certifying that within the prescribed period application was made in the prescribed manner claiming that the provisions of paragraph 2 of this Schedule should apply to the payment or assets in question, or
- (b) the said authority are satisfied that within the said period application was made for such a certificate.

(7) Where assets referred to in sub-paragraph (1) of this paragraph owned by a person at the relevant date were acquired with the proceeds of the realisation after the fourteenth day of August, nineteen hundred and forty, of any investments of that person, not being investments acquired by him by inheritance after the said fourteenth day of August, then in ascertaining the amount of his war savings there shall be deducted the sum applied out of the said proceeds of realisation in acquiring the said assets:

Provided that in so far as the investments realised consisted of assets of any description specified in sub-paragraph (2) of this paragraph, a deduction shall only be made under this paragraph in so far as a deduction would have been required to be made thereunder if the person in question had not realised the said assets but had continued to retain them.

8.—(1) In this Schedule—

- (a) the expression "by inheritance" means as a beneficiary under a will or intestacy or under the nomination of a deceased person;

2ND SCH.

—cont.

56 & 57 Vict.
c. 69.8 & 9 Geo. 6.
c. 24.26 & 27 Vict.
c. 87.

- (b) the expression "Government stock" has the same meaning as in the Savings Bank Act, 1893;
- (c) the expression "income-tax credit" means a payment or credit received by a person by virtue of section seven of the Finance Act, 1941 (which provides for the crediting of certain amounts of income tax), or of that section as applied or extended by any subsequent enactment;
- (d) the expression "investment" includes any deposit or loan, being a deposit or loan bearing interest;
- (e) the expression "Trustee Savings Bank" means a bank in the United Kingdom or the Channel Islands certified under the Trustee Savings Bank Act, 1863;
- (f) references to the amounts standing to the credit of an account in a Trustee Savings Bank include any sums received in respect of special investments;
- (g) references to the amount at any date of any Government stock or National or Ulster Savings Certificates shall be treated as references, in the case of any such stock to the amount originally subscribed therefor, and in the case of any such certificates to the amount for which those certificates could be encashed on that date.

(2) For the purposes of this Schedule a person shall be deemed, subject to the next following sub-paragraph, to own any asset if he is absolutely entitled in possession to the whole beneficial interest therein, and not otherwise.

(3) Where two or more persons are beneficially entitled in possession to any asset they shall be treated for the purposes of this Schedule as if they were each entitled in possession to the whole beneficial interest in an equal share in the asset:

Provided that if it appears to the authority computing resources that their respective beneficial interests in the asset are not equal the said persons shall be treated for the purposes of this Schedule as if they were respectively entitled in possession to the whole beneficial interest in such share in the asset as appears to the said authority to be just.

(4) References in this Schedule to the acquisition of an asset shall be construed in accordance with the two last foregoing sub-paragraphs.

(5) Sub-paragraphs (2) and (3) of this paragraph shall have effect in their application to Scotland as if the words "in possession" were omitted wherever they occur.

9. Anything to be prescribed for the purposes of this Schedule shall be prescribed by the Treasury.

Section 33.

THIRD SCHEDULE.

ADMINISTRATIVE PROVISIONS AS TO LOCAL AUTHORITIES

PART I.

Committees.

1.—(1) For the purposes of their functions under Part III of this Act every local authority shall establish a committee, and all matters relating to the discharge of any of the said functions shall stand referred to that committee.

(2) Before exercising any such functions a local authority shall, unless the matter is urgent, consider a report of the committee with respect thereto.

2. A local authority may authorise a committee established in pursuance of this Schedule (hereinafter referred to as "the committee") to exercise on their behalf any of their functions under Part III of this Act except the power to borrow money or to levy or to issue a precept for a rate.

3.—(1) The committee shall be so constituted as to include persons having special experience of the matters to which the functions discharged by the committee relate, and to consist of women as well as men.

(2) At least a majority of the committee shall be members of the local authority

4. The minutes of proceedings of the committee shall be open to the inspection of any local government elector for the area on payment of a fee not exceeding one shilling, and any such local government elector may make a copy thereof or extracts therefrom.

5.—(1) The committee may, subject to any restrictions imposed by the local authority, establish such sub-committees as the committee may determine, and any sub-committee established under this paragraph shall be constituted in such manner as the committee establishing it may, subject to any restrictions imposed by the local authority, determine:

Provided that—

- (i) in the case of a sub-committee established only for one or more of the following purposes, that is to say, the managing, visiting or inspecting of particular premises used for the purposes of the provision of accommodation under Part III of this Act, at least one of the members shall be a member of the local authority or of the committee;
- (ii) in the case of any other sub-committee at least a majority of the members shall be members of the local authority or of the council of a county district forming part of the area of the local authority.

(2) The committee may, subject to any restrictions imposed by the local authority, authorise any sub-committee to exercise on their behalf any functions of the committee.

6. Every person appointed to be a member of the committee or a sub-committee thereof who at the time of his appointment was a member of the local authority appointing the committee, and every person appointed to be a member of such a sub-committee who at the time of his appointment was a member of the council of a county district in the area of the said local authority, shall, upon ceasing to be a member of the local authority or council, also cease to be a member of the committee or sub-committee, unless he has been re-elected to be a member of the authority or council not later than the date of his retirement.

7.—(1) If it appears to the Minister, on the representation of a local authority, that in the interests of the efficient discharge of all or any of the authority's functions under Part III of this Act it is expedient

3RD SCH.
—cont.

so to do, the Minister may direct that all matters relating to the discharge thereof shall, instead of being referred to a committee established in pursuance of this Schedule, stand referred to some other committee established by the local authority.

(2) Where such a direction has effect paragraphs 2 and 5 of this Schedule, and paragraph 6 thereof so far as it relates to sub-committees, shall apply with respect to the functions in question with the substitution for references to the committee established in pursuance of this Schedule of references to the said other committee.

8. The foregoing provisions of this Schedule shall not prevent a local authority from referring to any committee appointed by them any matter arising out of, and incidental to, their functions under Part III of this Act which, by reason that it relates also to a general service of the authority, ought in the opinion of the authority to be so referred, and the foregoing provisions of this Schedule shall not apply to any matter which is so referred.

PART II.

Joint Boards.

9.—(1) Where it appears to the Minister to be expedient in the interests of the efficiency of any services provided under Part III of this Act that a joint board should be established for the purpose of performing all or any of the functions under the said Part III of two or more local authorities, the Minister may by order constitute a joint board consisting of members appointed by those authorities and provide for the exercise by the board in lieu of the authorities of such of the said functions as may be specified in the order.

(2) An order under this paragraph shall not be made except after a local inquiry, unless all the authorities concerned have consented to the making of the order.

(3) Part I of this Schedule shall not have effect in relation to any functions of a local authority under Part III of this Act as respects any period during which those functions are being exercised by a joint board.

10. A joint board constituted for the purposes of Part III of this Act shall be a body corporate with a common seal and power to hold land without licence in mortmain.

11. An order constituting such a joint board—

(a) may, without prejudice to the provisions of section two hundred and ninety-three of the Local Government Act, 1933, and section one hundred and ninety-six of the London Government Act, 1939 (which authorise the application of the provisions of those Acts to joint boards), provide for regulating the appointment, tenure of office and vacation of office of members of the board, for regulating the meetings and proceedings of the board, and for the payment of the expenses of the board by the constituent local authorities;

- (b) may provide for the transfer and compensation of officers, the transfer of property and liabilities, and the adjustment of accounts and the apportionment of liabilities;
- (c) may confer on the board the like powers for the compulsory purchase of land as are exercisable by local authorities;
- (d) may provide for the application, with such adaptations as may be specified, of any enactments relating to functions transferred to the board;
- (e) may contain such other provisions as appear to the Minister to be expedient for enabling the board to exercise their functions;
- (f) may apply to the board, with any necessary modifications and adaptations, any of the provisions of Part I of this Schedule.

PART III.

Application to Scotland.

12. The foregoing provisions of this Schedule shall in their application to Scotland have effect subject to the following modifications:—

- (a) for any reference to section two hundred and ninety-three of the Local Government Act, 1933, there shall be substituted a reference to section three hundred and sixty-three of the Local Government (Scotland) Act, 1947; and for any reference to issuing a precept for a rate there shall be substituted a reference to sending a requisition within the meaning of the last mentioned Act;
- (b) for paragraph 3 there shall be substituted the following paragraph:—

“ 3.—(1) At least two-thirds of the members of the committee shall be members of the local authority and any other members shall be persons who have special knowledge or experience in regard to the functions of a local authority under Part III of this Act.

(2) Not less than such number of the members of the committee as may be determined by the local authority shall be women.”

- (c) paragraph 5 shall have effect as if in the proviso to sub-paragraph (1)—
 - (i) for the words “ a majority ” there were substituted the words “ two-thirds ”; and
 - (ii) the words from “ or of the council ” to the end of the sub-paragraph were omitted;
- (d) paragraph 6 shall have effect as if the words from “ and every person ” to “ said local authority ” and the words “ or council ”, in both places where those words occur, were omitted.

13. A combination of local authorities in Scotland for the purposes of Part III of this Act may, notwithstanding anything in subsection (5) of section one hundred and twenty of the Local Government (Scotland) Act, 1947, be effected under that section.

FOURTH SCHEDULE.

AMENDMENTS OF 26 GEO. 5 & 1 EDW. 8. C. 31.

1.—(1) For references to the Treasury, the local pension committee, and the pension officer there shall be substituted references to the Board.

(2) For references to the central pension authority there shall be substituted references to the Appeal Tribunal.

(3) References to pension authorities shall be construed as references to the Board or the Appeal Tribunal, as the case requires.

(4) Section ten (which relates to local pension committees, the central pension authority and pension officers) shall cease to have effect.

2.—(1) In section three, in subsection (1), paragraphs (a) and (c) (which disqualify persons who are inmates of poor law institutions, criminal lunatics, and persons who are being maintained as persons of unsound mind) shall cease to have effect, and for paragraph (b) (which disqualifies persons detained in prison on conviction) there shall be substituted—

“(b) is, except in such circumstances as may be prescribed by regulations under section twelve of this Act, undergoing penal servitude, imprisonment or detention in legal custody”

(2) Subsections (2) and (3) of section three, and in subsection (1) the words “subject to the provisions of this section”, shall cease to have effect.

3. Notwithstanding anything in section six, where a woman who is entitled to an old age pension becomes, in consequence of the death of her husband, entitled to an increase in the rate thereof, pension at the increased rate shall be payable as from the date of the death or from the beginning of the period of three months ending with the date on which notice of the death is given to the Board, whichever is the later:

Provided that the Board shall not by virtue of this paragraph be required to make any payment in respect of part of a week.

4. In section nine, subsections (3) and (4) (which provide for the suspension of payments where a question of disqualification arises, and render a further claim necessary for the resumption of payments which have been discontinued or for the increase, on a change of circumstances, of a pension which has been reduced) shall cease to have effect.

5. Regulations under section twelve shall be made by the Board and confirmed by the Minister of National Insurance and, so far as they relate to the Post Office, by the Postmaster-General.

6. In section twelve paragraph (d) of subsection (1) (which relates to the constitution and proceedings of local pension committees, the use by such committees of offices of a local authority and the payment of the expenses of such committees), and in subsection (2) the words from “and for notice” to “registered by them”, shall cease to have effect.

7. Subsection (4) of section twelve (which provides for defraying expenses of the Treasury, the Minister of Health, and local pension committees) shall cease to have effect.

FIFTH SCHEDULE.

Section 53.

CONSTITUTION AND PROCEEDINGS OF APPEAL TRIBUNALS.

1. Each of the Tribunals referred to in section fifty-three of this Act shall consist of a chairman and two other members.

2. Each Tribunal shall have jurisdiction in respect of such district as may be assigned to them by the Board.

3.—(1) The chairman and one of the other members of every Tribunal shall be appointed by the Minister, and the other member shall be appointed by the Board from a panel of persons nominated by the Minister to represent work-people.

(2) The Minister may appoint persons to act, in the event of absence or incapacity, in the place of members of a Tribunal appointed by him.

4. The Board shall pay to the chairman or acting chairman of a Tribunal such remuneration, and to any member thereof such travelling and other allowances (including compensation for loss of remunerative time) as the Board may after consultation with the Minister and with the consent of the Treasury determine.

5. The Board shall assign to each Tribunal a clerk and such other officers and servants, and shall pay to them such salaries or fees and such allowances, as the Board may after consultation with the Minister and with the consent of the Treasury determine.

6.—(1) The Board may make rules—

- (a) as to the tenure of office of members of Tribunals;
- (b) as to the procedure of Tribunals and the procedure in connection with the bringing of matters before a Tribunal, and as to the time within which matters may be brought before Tribunals;
- (c) as to the payment by the Board to persons attending proceedings before Tribunals of travelling and other allowances (including compensation for loss of remunerative time);
- (d) for authorising proceedings notwithstanding that the members of the Tribunal are not all present;

and in any case where proceedings take place in accordance with rules made in accordance with sub-paragraph (d) of this paragraph, the Tribunal shall, notwithstanding anything in this Act, be deemed to be properly constituted, and the chairman or acting chairman shall have a second or casting vote.

(2) It is hereby declared that the power under the last foregoing sub-paragraph to make rules as to procedure includes power to make provision as to the representation of one person in any proceedings by another person.

7. In this Schedule "the Minister" means the Minister of National Insurance.

SIXTH SCHEDULE.

TRANSITIONAL PROVISIONS.

1. The first report of the Board under subsection (4) of section two of this Act shall include a report on the activities of the Board between the end of the period covered by the last report under subsection (4) of section thirty-five of the Unemployment Assistance Act, 1934 and the appointed day.

2.—(1) Advisory committees under subsection (3) of section thirty-five of the Unemployment Assistance Act, 1934, established immediately before the appointed day shall, unless and until the Board otherwise determine, be deemed to be advisory committees established under section three of this Act.

(2) A person holding office as chairman or other appointed member of an appeal tribunal under the said Act of 1934 immediately before the appointed day shall, until some other person is appointed in his place, be qualified without further appointment to act as chairman or other appointed member of an appeal tribunal for the purposes of this Act, and the panel of persons nominated to represent work-people under paragraph 3 of the Seventh Schedule to the said Act of 1934 shall, until a new panel is nominated, be deemed to be the panel nominated under paragraph 3 of the Fifth Schedule to this Act.

(3) Without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), the coming into operation of this Act shall not, save as hereinafter provided, affect—

- (a) any appeal under subsection (3) of section thirty-six of the Unemployment Assistance Act, 1934, against a decision made before the appointed day as to the applicability of that Act to any person;
- (b) any appeal under section thirty-nine of that Act or that section as applied by any subsequent enactment, against a determination made before the appointed day;
- (c) any reference under section forty-eight of that Act of a question as to the amount of any excess payment made before the appointed day; or
- (d) any reference under the Eighth Schedule to that Act, or that Schedule as applied by any subsequent enactment, of a dispute between the Board and any authority:

Provided that

- (i) in relation to any appeal under the said subsection (3) pending at the appointed day the said subsection (3) shall have effect subject to such modifications as may be prescribed by the Minister of National Insurance;
- (ii) any such appeal or reference brought after the appointed day shall be brought and determined in accordance with the provisions of this Act and rules thereunder as to appeals and references brought by virtue of this Act.

3.—(1) Where immediately before the appointed day a person was in receipt of sums—

6TH SCH.
—cont.

- (a) payable in respect of outdoor relief under the Poor Law Act, 1930, or
- (b) payable under the Blind Persons Acts, 1920 and 1938, or
- (c) receivable by him as a person undergoing treatment for pulmonary tuberculosis, or
- (d) payable by the Assistance Board under any enactment repealed by this Act,

the Board may continue payment thereof for any period not exceeding two months from the appointed day during which the said person is in need thereof, and for the purposes of this Act any payments made by virtue of this sub-paragraph shall be deemed to be assistance grants.

(2) Where assistance grants are made in respect of a person who at any time during the month ending with the appointed day was in receipt of any such sums as are mentioned in the last foregoing sub-paragraph, the Board may take into consideration the rate at which any such sums were paid to him at any time during the period of six months ending with the appointed day, and may increase the amount of the grants accordingly notwithstanding anything in Part II of this Act or regulations made thereunder.

(3) Any authority responsible for the making of payments falling within heads (a) to (c) of sub-paragraph (1) of this paragraph shall on a requisition in that behalf made by the Board not later than six months after the appointed day transfer to the Board any documents specified in the requisition which are under the control of the authority and relate to the payments.

4.—(1) Where immediately before the appointed day any premises vested in a local authority were being used for the reception or relief of casual poor persons under the provisions of the Poor Law Act, 1930, then if on the appointed day the premises remain so vested the local authority shall maintain therein, until such time as the Board may determine, a centre for the like purposes as a reception centre maintained by the Board.

(2) For the purposes of sections seventeen and eighteen of this Act, any centre maintained by a local authority under this paragraph shall be deemed to be a reception centre maintained on behalf of the Board.

5.—(1) Notwithstanding anything in Part III of this Act, a local authority may, for a period of six months from the appointed day or such longer period not exceeding twelve months therefrom as the Minister of Health may allow, exercise otherwise than in accordance with a scheme under the said Part III any functions conferred on them by the said Part III or which could be conferred on them by a scheme thereunder:

Provided that the local authority shall not exercise any function under the said Part III otherwise than in accordance with a scheme thereunder after a scheme relating to the exercise of that function has come into force.

6TH SCH.
—cont.

(2) The references in subsection (6) of section twenty-nine of this Act to arrangements made by virtue of paragraph (c) or paragraph (d) of subsection (4) of that section, and to arrangements made under that section, shall be construed as including references to arrangements made under the corresponding provisions of the Blind Persons Acts, 1920 and 1938.

6.—(1) Any land which immediately before the appointed day was held by the council of a county or county borough for the purposes of any enactment repealed by this Act, or which on the appointed day vests in or thereafter is transferred to the council of a county or county borough by virtue of this Schedule, shall save as otherwise provided in this Schedule be deemed to have been appropriated for such of the purposes of this Act as the council may determine.

(2) Any right of a council of a county or county borough subsisting immediately before the appointed day to use land for the purposes of any enactment repealed by this Act shall on and after the appointed day continue to subsist as a right to use the land for such of the purposes of this Act as the council may determine, subject however to the cesser of the right in any event (other than the repeal of the said enactment) in which it would have ceased apart from this sub-paragraph.

(3) Nothing in this paragraph shall affect the provisions of the National Health Service Act, 1946, or the National Health Service (Scotland) Act, 1947, as to the transfer and vesting of hospitals.

(4) In this paragraph the expression "land" includes any interest in land and any easement, servitude or right in, to or over land.

7.—(1) Where immediately before the appointed day any premises being part of a workhouse were being used for hospital purposes, but the workhouse as a whole was mainly being used for other purposes, subsection (2) of section six of the Act of 1946 (which provides for the transfer to the Minister of Health of hospitals and property and liabilities connected therewith) shall not apply in relation to the premises, but—

(a) the local authority by which the workhouse was provided shall to the satisfaction of the Minister of Health enter into arrangements with the Regional Hospital Board whereby, until the said Minister otherwise determines, the like accommodation shall be available for the provision of hospital and specialist services under the Act of 1946 as was available for hospital purposes immediately before the appointed day, and such facilities in relation to the accommodation made available shall be afforded by the local authority as may be necessary for the purposes of the Act of 1946;

(b) the Regional Hospital Board shall make to the local authority such payments in respect of accommodation and facilities as may be agreed between the authority and the Board, or in default of agreement as may be determined by the Minister of Health.

(2) Where immediately before the appointed day any person was by virtue of a lunacy order or a mental deficiency order detained in any such premises as are mentioned in the last foregoing sub-paragraph,—

- (a) the premises shall be deemed, until the time determined under head (a) of that sub-paragraph, to be a mental hospital or institution for defectives, as the case may be; and
- (b) the lunacy order shall have effect as if it were an order made on the appointed day under section sixteen of the Lunacy Act, 1890, for the detention of the said person in the premises.

(3) Subsection (4) of section fifty of the Act of 1946 shall not have effect.

(4) Regulations as to the transfer of officers made under section sixty-eight of the Act of 1946 shall provide for the transfer of officers and servants of local authorities who immediately before the appointed day were employed solely or mainly at or for purposes of such premises as are mentioned in sub-paragraph (1) of this paragraph to the Regional Hospital Board for the area in which the premises are situated.

(5) Any expenditure of a Regional Hospital Board under head (b) of sub-paragraph (1) of this paragraph shall be deemed for the purposes of section fifty-four of the Act of 1946 to be expenditure of the Regional Hospital Board incurred under that Act and approved as mentioned in that section.

8.—(1) Where any premises being part of a workhouse were immediately before the appointed day being used otherwise than for hospital purposes, but the workhouse as a whole was mainly being used for hospital purposes, the entirety of the workhouse shall be treated as a hospital for the purposes of the Act of 1946, and shall be transferred to and vest in the Minister of Health under that Act accordingly, and no apportionment of interests shall be made under paragraph (a) of subsection (5) of section six of that Act:

Provided that nothing in this sub-paragraph shall extend the operation of the provisions of section sixty-eight of that Act or regulations made thereunder as to the transfer of officers.

(2) Where a workhouse is transferred to and vests in the Minister under the Act of 1946, and immediately before it so vested accommodation was being used therein for the relief under the Poor Law Act, 1930, of persons not in need of reception into hospital,—

- (a) the Regional Hospital Board shall to the satisfaction of the Minister of Health enter into arrangements with the local authority by which the workhouse was provided whereby, until the Minister otherwise determines, the like accommodation shall be available for the purposes of section twenty-one of this Act as was immediately before the appointed day available for the relief of persons not in need of reception into hospital, and such facilities in relation to the accommodation shall be afforded as may be requisite for those purposes, and

6TH SCH.
—cont.

(b) the local authority shall make to the Regional Hospital Board such payments in respect of the accommodation and facilities as may be agreed between the authority and the Board or, in default of agreement, as may be determined by the Minister of Health.

(3) Where any part of the accommodation first referred to in the last foregoing sub-paragraph was being used immediately before the appointed day for the reception or relief of casual poor persons, then, if the Minister of Health after consultation with the National Assistance Board so directs, that sub-paragraph shall apply separately in relation to that part of the accommodation, and shall so apply with the substitution for the reference to section twenty-one of this Act of a reference to section seventeen thereof; and where the Minister gives a direction under this sub-paragraph—

(a) he shall not determine the arrangements made in pursuance of the direction except after consultation with the National Assistance Board;

(b) so long as those arrangements continue in force the local authority shall maintain in the accommodation provided in pursuance of the arrangements a centre for the like purposes as a reception centre maintained by the National Assistance Board, and the centre shall be deemed to be provided by the local authority in pursuance of a requirement under subsection (2) of section seventeen of this Act;

(c) expenditure incurred by the local authority in making payments in accordance with head (b) of sub-paragraph (2) of this paragraph shall be deemed for the purposes of subsection (3) of the said section seventeen to have been incurred with the approval of the National Assistance Board.

(4) Accommodation provided under section twenty-one of this Act in pursuance of arrangements under this paragraph shall be deemed to be provided by the local authority in premises managed by them.

9.—(1) In this and the two last foregoing paragraphs the following expressions have the meanings hereby assigned to them respectively:—

“hospital purposes”, in relation to any premises, means purposes such that if the premises were a separate institution they would be a hospital as defined by section seventy-nine of the Act of 1946;

“lunacy order” and “mental hospital” mean respectively an order under the Lunacy and Mental Treatment Acts, 1890 to 1930, and a mental hospital for the purposes of those Acts;

“mental deficiency order” and “institution for defectives” mean respectively an order under the Mental Deficiency Acts, 1913 to 1938, and an institution for defectives for the purposes of those Acts;

“the Act of 1946” means the National Health Service Act, 1946;

“workhouse” means a workhouse, as defined in the Poor Law Act, 1930, provided by a local authority.

(2) The question whether any premises fall within sub-paragraph (1) of paragraph 7 or sub-paragraph (1) of paragraph 8 of this Schedule shall be determined by agreement between the local authority and the Regional Hospital Board, or in default of agreement by the Minister of Health.

(3) In the application of this and the two last foregoing paragraphs to Scotland—

(a) for sub-paragraph (2) of paragraph 7 there shall be substituted the following sub-paragraph—

“ (2) Where immediately before the appointed day any person was, by virtue of a sanction of the General Board of Control for Scotland under section four of the Lunacy (Scotland) Act, 1862, or of a removal or transfer authorised under section sixteen of the said Act, detained in the lunatic ward of a poorhouse within the meaning of the said Act, and the poorhouse as a whole was mainly being used for purposes other than hospital purposes,

(i) the ward shall be deemed, until the time determined under head (a) of that sub-paragraph to be a mental hospital for the purposes of the Lunacy (Scotland) Acts, 1857 to 1913; and

(ii) the sanction shall have effect as if it were an order granted on the appointed day by the sheriff under section fourteen of the aforesaid Act of 1862 for the reception into and detention in the premises of the said person; ”

(b) paragraph 9 shall have effect as if at the end of the definition in sub-paragraph (1) of the expression “ hospital purposes ” there were added the following words “ and includes the purposes for which the lunatic ward of a poorhouse licensed under section three of the Lunacy (Scotland) Act, 1862, is used ”;

(c) for references to the Act of 1946 and to sections sixty-eight and seventy-nine thereof there shall be respectively substituted references to the National Health Service (Scotland) Act, 1947, and to sections sixty-seven and eighty thereof.

10.—(1) Where immediately before the appointed day a person was receiving relief in a workhouse within the meaning of the Poor Law Act, 1930, then, if he is in need of accommodation under Part III of this Act, the authority liable to provide the accommodation shall, so long as the need continues, be the authority by which the relief was given.

(2) If immediately before the appointed day the cost of the relief referred to in the last foregoing sub-paragraph was recoverable from another authority, the authority giving relief shall have the like right to recover from the other authority the cost of any accommodation provided by virtue only of the last foregoing sub-paragraph.

6TH SCH.
—cont.

(3) In respect of accommodation provided as aforesaid an authority shall be entitled to recover cost from another authority in accordance with the last foregoing sub-paragraph and not otherwise, but nothing in this paragraph shall affect any right of recovery from any other person.

(4) References in the foregoing provisions of this paragraph to the authority giving relief shall be construed, where the authority to whom application for relief was made and the authority managing the workhouse were not the same, as references to the authority to whom the application was made.

11. Where immediately before the appointed day a person was being maintained, in pursuance of an arrangement made by an authority in the exercise of functions under the Poor Law Act, 1930, in premises not managed by a local authority, that arrangement shall for the purposes of section twenty-six of this Act be deemed, so far as it relates to the said person and until he ceases to be maintained in the premises, to be an arrangement under subsection (1) thereof, notwithstanding that the premises are not managed by a voluntary organisation.

12. Any property, right or liability which immediately before the appointed day was vested in a joint committee established by an order under section three of the Poor Law Act, 1930 (which provides for the combination by an order of the Minister of Health, for the purposes named in the order, of the areas of councils of counties or county boroughs) shall on the appointed day vest jointly in the councils the areas of which were combined by virtue and for the purposes of the order.

13. Section one hundred and fifty-one of the Local Government Act, 1933 (which provides for the adjustment, by agreement or otherwise, of certain matters between public bodies affected by an alteration of areas or authorities made by an order under Part VI of that Act) shall apply to councils of counties or county boroughs affected by the provisions of this Schedule as to the vesting on the appointed day of any property, right or liability as it applies to public bodies affected by such an alteration as aforesaid, with the substitution for the reference to the alteration made by an order under Part VI of that Act of a reference to the said provisions of this Schedule.

14. Where immediately before the appointed day the fact that a person was living in any place was to be disregarded in determining, for the purposes of any enactment repealed by this Act, his residence or ordinary residence, that fact shall be disregarded in determining his ordinary residence for the purposes of this Act.

15. Where any right of a local authority to recover any sum from another local authority depends upon the determination under the Poor Law Act, 1930, of any question as to settlement, removal or chargeability of any person pending at the appointed day, section one hundred and five of the said Act of 1930 (which provides for the recovery of the cost of relief by one council from another) shall continue to apply, but as if for proviso (b) to subsection (1) thereof

(which excludes the provisions of that section where a removal order is refused on grounds of irremovability) there were substituted—

6TH SCH.
—cont.

“(b) this section shall not apply where the person whose settlement is in question has acquired a status of irremovability in the area of the local authority seeking to recover the cost of his relief.”

16. Where on the appointed day a local authority in Scotland hold as trustees any property wholly or mainly for the use or benefit of the poor (within the meaning of section fifty-two of the Poor Law (Scotland) Act, 1845) of the whole or any part of their area, they shall hold and apply the property or the income thereof to such charitable purposes for the use and benefit of the persons for whom it is the duty of the local authority to make provision or arrangements under Part III of this Act as the authority may think fit.

17.—(1) Where under section three of the Blind Persons Act, 1938, a council has recovered from another council (being a local authority within the meaning of Part III of this Act) expenditure in respect of assistance for any person provided during an appropriate quinquennial period as defined in the said section three, being a period current at the appointed day, subsection (5) of section twenty-nine and subsection (1) of section thirty-two of this Act shall not apply in relation to any expenditure which is specifically attributable to the provision, before the expiration of the said quinquennial period, of services provided under the said section twenty-nine for the said person as a blind person, but the local authority by which those services are so provided shall be entitled to recover the amount of any such expenditure from the council from which the expenditure under the said section three was recovered as aforesaid.

(2) Notwithstanding the repeal of the said Act of 1938 effected by this Act, subsection (2) of the said section three (which relates to the determination of disputes) shall apply in relation to this paragraph as it applies in relation to the said section three.

18. Any appeal against a decision of a local pension committee under the Old Age Pensions Act, 1936, given before the appointed day shall be decided, and the decision shall have effect, as if this Act had not been passed.

19.—(1) Notwithstanding anything in subsection (2) of section thirty-eight of the Interpretation Act, 1889 (which contains savings for vested rights and liabilities on the repeal of enactments), a person shall not by virtue of any enactment repealed by this Act be under any liability (whether under an order of the court or otherwise) as respects any period after the appointed day to maintain any person whom he is not liable to maintain for the purposes of this Act.

(2) Except as otherwise provided by the last foregoing subparagraph, any order of court or agreement made before the appointed day by virtue of which payments are required to be made to a local authority in respect of the relief or maintenance of any person while he

6TH SCH.
—cont.

remains chargeable to that authority under the existing poor law shall have effect, so long as accommodation is provided for him under Part III of this Act by that authority or he is in receipt of assistance under Part II of this Act, as if he were so chargeable.

(3) Where a local authority recover payments from any person under any such order or agreement as is mentioned in the last foregoing sub-paragraph, subsection (6) of section forty-three of this Act shall apply to payments recovered in respect of any period after the appointed day as it applies to payments recovered by the local authority under the said section forty-three.

20.—(1) For the purposes of any provision of this Schedule the expression “the appointed day” means such day appointed by the order under subsection (2) of section sixty-eight of this Act as may be specified in the order in relation to the provision in question.

(2) References in this Schedule to a workhouse within the meaning of the Poor Law Act, 1930, include, in relation to London, references to an asylum provided under section one hundred and twenty-three of that Act.

21. The following provisions shall have effect for the purpose of the application of this Schedule to Scotland:—

- (a) for references to the Minister of Health there shall be substituted references to the Secretary of State;
- (b) for references to a county borough there shall be substituted references to a large burgh;
- (c) for references to the Poor Law Act, 1930, there shall be substituted references to the enactments relating to the relief of the poor in Scotland, and the expression “workhouse” means poorhouse;
- (d) any reference to the local authority by which a poorhouse was provided shall include a reference to a combination of local authorities;
- (e) paragraphs 12, 13 and 15 shall not apply.

SEVENTH SCHEDULE.

Section 62.

ENACTMENTS REPEALED.

PART I.

The existing poor law.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|-----------------------|--|---|
| 5 Geo. 1. c. 8. | The Poor Relief (Deserted Wives and Children) Act, 1718. | The whole Act. |
| 5 Geo. 4. c. 83. | The Vagrancy Act, 1824 ... | In section three, the words from the beginning to "settled in such other parish, township, or place"; in section four, the words "every person running away and leaving his wife, or his or her child or children, chargeable, or whereby she or they or any of them shall become chargeable, to any parish, township, or place". |
| 5 & 6 Vict. c. 57 | The Poor Law Amendment Act, 1842. | The whole Act. |
| 7 & 8 Vict. c. 101. | The Poor Law Amendment Act, 1844. | Sections six and seven; in section eight the words from the beginning to "misdemeanour"; section sixty-three. |
| 8 & 9 Vict. c. 117. | The Poor Removal Act, 1845. | The whole Act. |
| 10 & 11 Vict. c. 33. | The Poor Removal Act, 1847. | The whole Act. |
| 12 & 13 Vict. c. 103. | The Poor Law Amendment Act, 1849. | The whole Act. |
| 20 & 21 Vict. c. 13. | The Workhouse Sites Act, 1857. | The whole Act. |
| 20 & 21 Vict. c. 81. | The Burial Act, 1857 ... | Section six, so far as it authorises the consecration and use of new burial grounds. |
| 24 & 25 Vict. c. 76. | The Poor Removal (No. 2) Act, 1861. | The whole Act. |
| 25 & 26 Vict. c. 113. | The Poor Removal Act, 1862. | The whole Act. |
| 26 & 27 Vict. c. 89. | The Poor Removal Act, 1863. | The whole Act. |

7TH SCH.
—cont.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---------------------------|--|---|
| 39 & 40 Vict. c. 61. | The Divided Parishes and Poor Law Amendment Act, 1876. | Sections nineteen, twenty-four and forty-two. |
| 63 & 64 Vict. c. 23. | The Poor Removal Act, 1900. | The whole Act. |
| 20 & 21 Geo. 5. c. 17. | The Poor Law Act, 1930 ... | The whole Act. |
| 24 & 25 Geo. 5. c. 59. | The Poor Law Act, 1934 ... | The whole Act. |
| 1 & 2 Geo. 6. c. 23. | The Poor Law (Amendment) Act, 1938. | The whole Act. |

PART II.

The existing poor law in Scotland.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---------------------------|---|-------------------|
| 8 & 9 Vict. c. 83. | The Poor Law (Scotland) Act, 1845. | The whole Act. |
| 19 & 20 Vict. c. 117. | The Poor Law (Scotland) Act, 1856. | The whole Act. |
| 49 & 50 Vict. c. 51. | The Poor Law Loans and Relief (Scotland) Act, 1886. | The whole Act. |
| 61 & 62 Vict. c. 21. | The Poor Law (Scotland) Act, 1898. | The whole Act. |
| 11 & 12 Geo. 5. c. 64. | The Poor Law Emergency Provisions (Scotland) Act, 1921. | The whole Act. |
| 13 & 14 Geo. 5. c. 6. | The Local Authorities (Emergency Provisions) Act, 1923. | The whole Act. |
| 14 & 15 Geo. 5. c. 9. | The Poor Law Emergency Provisions Continuance (Scotland) Act, 1924. | The whole Act. |
| 15 & 16 Geo. 5. c. 35. | The Poor Law Emergency Provisions Continuance (Scotland) Act, 1925. | The whole Act. |
| 17 & 18 Geo. 5. c. 3. | The Poor Law Emergency Provisions (Scotland) Act, 1927. | The whole Act. |
| 24 & 25 Geo. 5. c. 52. | The Poor Law (Scotland) Act, 1934. | The whole Act. |

PART III.
Other enactments repealed.

7TH SCH.
—cont.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|-----------------------|---|--|
| 24 Geo. 2. c. 40 | The Sale of Spirits Act, 1750. | Sections thirteen to sixteen, so far as they relate to workhouses and houses of entertainment for any parish poor. |
| 48 Geo. 3. c. 75 | The Burial of Drowned Persons Act, 1808. | The whole Act. |
| 1 & 2 Will. 4. c. 37. | The Truck Act, 1831 ... | Section seven. |
| 1 & 2 Will. 4. c. 41. | The Special Constables Act, 1831. | Section twelve |
| 2 & 3 Vict. c. 51. | The Pensions Act, 1839 ... | Sections two to four; in section seven the words "the minute of any board of guardians and"; in section eight from "except to the guardians" to "in such parish", from "other than the guardians" to "Scotland as aforesaid", and from "which shall not be given" to "advancing the same"; section ten; the Schedules. |
| 8 & 9 Vict. c. 19. | The Lands Clauses Consolidation (Scotland) Act, 1845. | In section one hundred and twenty-seven, the words "poor's rate or" and "and poor's rate". |
| 11 & 12 Vict. c. 43. | The Summary Jurisdiction Act, 1848. | In section thirty-five, the words "to any warrant or order for the removal of any poor person who is or shall become chargeable to any parish, township, or place; nor". |
| 15 & 16 Vict. c. 85. | The Burial Act, 1852 ... | Section forty-nine. |
| 16 & 17 Vict. c. 134. | The Burial Act, 1853 ... | In section seven, the words from "and section forty-nine" to "parish". |
| 24 & 25 Vict. c. 100. | The Offences Against the Person Act, 1861. | Section seventy-three. |

7TH SCH.
—cont.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|--------------------------|---|--|
| 29 & 30 Vict. c. 109. | The Naval Discipline Act. | In section ninety-eight A, in subsection (1), the words from "or of leaving" to the end of the subsection. |
| 35 & 36 Vict. c. 65. | The Bastardy Laws Amendment Act, 1872. | Section seven. |
| 36 & 37 Vict. c. 9. | The Bastardy Laws Amendment Act, 1873. | Section five. |
| 42 & 43 Vict. c. 49. | The Summary Jurisdiction Act, 1879. | In section thirty-one, subsection (2). |
| 49 & 50 Vict. c. 15. | The Sporting Lands Rating (Scotland) Act, 1886. | In section two, the definition of "The Poor Law Act"; in section three, the words "and The Poor Law Act", section five, in section seven the words from "or upon" where those words first occur to "The Poor Law Act", and the words from "or upon" in the second place where those words occur to the end of the section. |
| 49 & 50 Vict. c. 20. | The Burial of Drowned Persons Act, 1886. | The whole Act. |
| 57 & 58 Vict. c. 58. | The Local Government (Scotland) Act, 1894. | In section thirty, in subsection (6) the words from "Provided that" to "poor rate"; in section fifty-four, in the definition of "parish", the words from "for the purposes of" to the end of the definition. |
| 57 & 58 Vict. c. 60. | The Merchant Shipping Act, 1894. | In section one hundred and five, the words from "with the concurrence" to the end; sections one hundred and six, one hundred and seven; section one hundred and eighty-five; in section three hundred and ninety-three, subsection (3). |

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---------------------------|--|--|
| 60 & 61 Vict. c. 31. | The Cleansing of Persons Act, 1897. | In section one, the words from "the use of such apparatus" to "disability" and the words "or for the relief of the poor". |
| 60 & 61 Vict. c. 38. | The Public Health (Scotland) Act, 1897. | In section sixty-nine, in subsection (1) the words from "or (d) any dead body" to "bury it"; in section seventy, the words "(otherwise than at a poor house)". |
| 61 & 62 Vict. c. 60. | The Inebriates Act, 1898.... | In section twenty-five, paragraph (f). |
| 8 Edw. 7. c. 65 | The Summary Jurisdiction (Scotland) Act, 1908. | In section four, in the last paragraph, the words from "to any warrant" to "district nor". |
| 3 & 4 Geo. 5. c. 28. | The Mental Deficiency Act, 1913. | In section two, in subsection (1), paragraph (b) (vi); in section thirty, proviso (ii). |
| 3 & 4 Geo. 5. c. 38. | The Mental Deficiency and Lunacy (Scotland) Act, 1913. | In section three, in subsection (1) paragraph (c) (vi) and (vii); in section fifteen, subsection (3). |
| 9 & 10 Geo. 5. c. 20. | The Scottish Board of Health Act, 1919. | In section four, in subsection (3), the words from "and it is hereby declared" to the end of the subsection. |
| 10 & 11 Geo. 5. c. 49. | The Blind Persons Act, 1920 | The whole Act. |
| 11 & 12 Geo. 5. c. 31. | The Police Pensions Act, 1921. | In section fourteen, paragraph (2). |
| 13 & 14 Geo. 5. c. 23. | The Bastardy Act, 1923 | Section three. |
| 19 & 20 Geo. 5. c. 17. | The Local Government Act, 1929. | Part I, except section fifteen and paragraph (j) and (h) of section eighteen; section one hundred and two. |
| 19 & 20 Geo. 5. c. 25. | The Local Government (Scotland) Act, 1929. | Sections thirty-two and sixty-four. |

7TH SCH.
—cont.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|--|--|--|
| 20 & 21 Geo. 5. c. 33. 23 & 24 Geo. 5. c. 12. | The Illegitimate Children (Scotland) Act, 1930. The Children and Young Persons Act, 1933. | Section four. In section thirty-five, in the proviso to subsection (1) and in subsection (2) the words "or poor law"; in section seventy-two, in subsection (3), the words "or poor law" in each place where they occur; in section eighty-nine, subsection (4), in section ninety-six, in subsection (4), the words from "(a) in the case" to "other case"; in section ninety-eight, in subsection (1), the words "or a poor law authority"; in section one hundred and seven, in the definition of "place of safety", the word "workhouse", and the definition of "poor law authority". |
| 23 & 24 Geo. 5. c. 38. 23 & 24 Geo. 5. c. 51. | The Summary Jurisdiction (Appeals) Act, 1933. The Local Government Act, 1933. | In section nine, subsection (2). In section fifty-nine, in subsection (1), paragraphs (c) and (h) and proviso (iv); in section one hundred and eighteen the words "of officers appointed under the Poor Law Act, 1930 or." |
| 24 & 25 Geo. 5. c. 29. 26 Geo. 5. & 1 Edw. 8. c. 31. | The Unemployment Act, 1934. The Old Age Pensions Act, 1936. | The whole Act. In section three, in subsection (1), paragraphs (a) and (c), and the words "subject to the provisions of this section", and subsections (2) and (3); in section nine, subsections (3) and (4); section ten; in section twelve, in subsection (1), paragraph (d), in subsection (2) the words from "and for notice" to "registered by them", and subsection (4); in section thirteen, subsection (1). |

| Session and Chapter. | Short Title. | Extent of Repeal. |
|-------------------------------|--|--|
| 26 Geo. 5. & I Edw. 8. c. 49. | The Public Health Act, 1936. | In section two hundred and twenty, in the definition of "place of safety", the words "public assistance institution". |
| 26 Geo. 5. & I Edw. 8. c. 50. | The Public Health (London) Act, 1936. | Section two hundred and twenty-four; in section three hundred and four, in the definition of "place of safety" the word "workhouse". |
| I Edw. 8. & I Geo. 6. c. 37. | The Children and Young Persons (Scotland) Act, 1937. | In section eleven, in subsection (1) the words from "or to any person" to "relief of the poor"; in section forty-three, in the proviso to subsection (1) and in subsection (2) the words "or poor law"; in section seventy-six, in subsection (3), the words "or poor law" in each place where they occur; in section ninety-three, subsection (4); section one hundred; in section one hundred and one, subsection (1); in subsection (2) from the words "and expenses" to the end of the subsection; in subsection (7) the words "a poor law authority"; in section one hundred and two, the words "or a poor law authority"; in section one hundred and six, subsection (2); in section one hundred and ten, in the definition of "place of safety" the word "poorhouse", and the definition of "poor law authority". |
| I & 2 Geo. 6. c. 11. | The Blind Persons Act, 1938. | Sections two to four; in section five the definition of "medical assistance". |

7TH SCH.
—cont.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|--------------------------|---|--|
| 2 & 3 Geo. 6. c. 40. | The London Government Act, 1939. | In section thirty-three, in subsection (1) paragraph (c) and in subsection (2) paragraph (e); in section thirty-four, in subsection (1), paragraph (a); in section eighty-five the words "of officers appointed under the Poor Law Act, 1930 or"; in section one hundred and sixty-six, the proviso to subsection (1). |
| 2 & 3 Geo. 6. c. 93. | The Unemployment Assistance (Emergency Powers) Act, 1939. | The whole Act. |
| 3 & 4 Geo. 6. c. 13. | The Old Age and Widows' Pensions Act, 1940 | The whole Act, except sections eighteen and twenty-one. |
| 3 & 4 Geo. 6. c. 31. | The War Charities Act, 1940. | In section fourteen, in subsection (3), paragraph (a) of the proviso. |
| 3 & 4 Geo. 6. c. 44. | The Unemployment Insurance Act, 1940. | The whole Act. |
| 4 & 5 Geo. 6. c. 11. | The Determination of Needs Act, 1941. | The whole Act. |
| 6 & 7 Geo. 6. c. 27. | The Pensions and Determination of Needs Act, 1943. | The whole Act, except subsection (2) of section five, section nine and the Second Schedule. |
| 9 & 10 Geo. 6. c. 62. | The National Insurance (Industrial Injuries) Act, 1946. | Section thirty-one. |
| 9 & 10 Geo. 6. c. 67. | The National Insurance Act, 1946. | In section thirty, in subsection (1) paragraph (c) and in subsection (5) paragraph (a); in section sixty-eight, subsection (2) so far as it relates to, Parts I or III of the Twelfth Schedule, subsection (3), in subsection (4) the words "and subsection (2) of section forty-two of the Unemployment Assistance Act, 1934", and subsection (6); in the Eleventh Schedule, Parts I and III; in the Twelfth Schedule, Parts I and III. |
| 9 & 10 Geo. 6. c. 81. | The National Health Service Act, 1946. | In section fifty, subsection (4). |

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---------------------------|---|---|
| 10 & 11 Geo. 6. c. 19. | The Polish Resettlement Act, 1947. | In section two, subsections (1), (3) and (4); in the Schedule, Part I. |
| 10 & 11 Geo. 6. c. 27. | The National Health Service (Scotland) Act, 1947. | In section fifty, subsection (4). |
| 10 & 11 Geo. 6. c. 43. | The Local Government (Scotland) Act, 1947. | In section seventy-three, subsection (3); in section one hundred and five, in subsection (3) the words "and the town council of every large burgh", the words "or schemes", and the words from "(a) poor law" to "county council"; in section one hundred and seven, subsection (2); in subsection (3) the words "poor law or", and subsection (4); in section one hundred and eleven, in subsection (2) the words from "or any committee" to "poor law"; in section one hundred and forty, in subsection (1), the words from "and in the case of" to the end of the subsection; in section three hundred and seventy-nine, in subsection (1), the definition of "Poor Law Acts". |

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