



# Local Authority Social Services Act 1970

## 1970 CHAPTER 42

### 1 Local authorities.

The local authorities for the purposes of this Act shall be [<sup>F1</sup>the councils of non-metropolitan counties and metropolitan districts in England, the councils of London boroughs] and the Common Council of the City of London <sup>F2</sup>....

#### Textual Amendments

- F1** Words in s. 1 substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **20(a)**
- F2** Words in s. 1 omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **20(b)**

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

- C1** S. 1 amended by [Local Government Act 1972 \(c. 70\)](#), s. **195(3)**

### [<sup>F3</sup>1A Meaning of “social services functions”.

For the purposes of this Act the social services functions of a local authority are—

- (a) their functions under the enactments specified in the first column of Schedule 1 to this Act (being the functions which are described in general terms in the second column of that Schedule), and
- (b) such other of their functions as the Secretary of State may designate by an order made under this section.]

#### Textual Amendments

- F3** S. 1A inserted (E.) (26.10.2000) and (W.) (28.7.2001) by [2000 c. 22, ss. 102\(3\), 108\(4\)-\(7\)](#); S.I. [2000/2849](#), **art. 2(a)**

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**2 Local authority to establish social services committee.**

**F4** .....

**Textual Amendments**

**F4** S. 2 repealed (1.4.2005 for E. and 1.4. 2006 for W.) by [Children Act 2004 \(c. 31\)](#), ss. 55(1), 64, 67(7) (e), {Sch. 5 Pt. 4 Note}; [S.I. 2005/394, art. 2\(2\)\(f\)\(g\)](#); [S.I. 2006/885, art. 2\(2\)\(f\)\(h\)](#)

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

**C2** S. 2 saved by [Local Government Act 1972 \(c. 70\)](#), s. **101(8)(9)**; amended by [Guardianship Act 1973 \(c. 29\)](#), s. **2(8)**

**[<sup>F5</sup>3 Business of Social Services Committee.**

**F6** .....]

**Textual Amendments**

**F5** S. 3 substituted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), s. **183(1)**

**F6** S. 3 repealed (1.4.2005 for E. and 1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), ss. 55(1), 64, 67(7) (e), {Sch. 5 Pt. 4 Note}; [S.I. 2005/394, art. 2\(2\)\(f\)\(g\)](#); [S.I. 2006/885, art. 2\(2\)\(f\)\(h\)](#)

**[<sup>F7</sup>3A Power of local authority to refer or delegate to social services committee.**

**F8** .....]

**Textual Amendments**

**F7** S. 3A inserted by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1\)](#), s. **183(2)**

**F8** S. 3A repealed (1.4.2005 for E. and 1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), ss. 55(1), 64, 67(7) (e), {Sch. 5 Pt. 4 Note}; [S.I. 2005/ 394, {art. 2\(2\)\(f\)\(g\)}](#); [S.I. 2006/885, art. 2\(2\)\(f\)\(h\)](#)

**<sup>F9</sup>4 Joint committees and sub-committees.**

.....

**Textual Amendments**

**F9** S. 4 repealed (1.4.2005 for E. and 1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), ss. 55(1), 64, 67(7) (e), {Sch. 5 Pt. 4 Note}; [S.I. 2005/394, art. 2\(2\)\(f\)\(g\)](#); [S.I. 2006/885, art. 2\(2\)\(f\)\(h\)](#)

**<sup>F10</sup>5 Membership of committees and sub-committees.**

.....

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### Textual Amendments

**F10** S. 5 repealed (1.4.2005 for E. and 1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), ss. 55(1), 64, 67(7) (e), {Sch. 5 Pt. 4 Note}; [S.I. 2005/394](#), [art. 2\(2\)\(f\)\(g\)](#); [S.I. 2006/885](#), [art. 2\(2\)\(f\)\(h\)](#)

## 6 The director of social services.

[<sup>F11</sup>(A1) A local authority <sup>F12</sup>... shall appoint an officer, to be known as the director of adult social services, for the purposes of their social services functions, other than those for which the authority's director of children's services is responsible under section 18 of the Children Act 2004.]

<sup>F13</sup>(1) .....

(2) Two or more local authorities may, if they consider that the same person can efficiently discharge, for both or all of them, the functions of director of [<sup>F14</sup>adult social services <sup>F15</sup>...], concur in the appointment of a person as director of [<sup>F14</sup>adult social services <sup>F15</sup>...] for both or all of those authorities.

<sup>F16</sup>(3) .....

<sup>F17</sup>(5) .....

(6) A local authority which have appointed, or concurred in the appointment of, [<sup>F18</sup>a person under this section], shall secure the provision of adequate staff for assisting him in the exercise of his functions.

<sup>F19</sup>(7) .....

<sup>F20</sup>(8) .....

### Textual Amendments

**F11** S. 6(A1) inserted (1.1.2008 with effect in accordance with s. 18(9)(10) of the amending Act) by [Children Act 2004 \(c. 31\)](#), s. 67(2), [Sch. 2 para. 2\(2\)\(a\)](#); [S.I. 2007/1792](#), [art. 2](#)

**F12** Words in s. 6(A1) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [21\(a\)](#)

**F13** S. 6(1) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [21\(b\)](#)

**F14** Words in s. 6(2) inserted (1.1.2008 with effect in accordance with s. 18(9)(10) of the amending Act) by [Children Act 2004 \(c. 31\)](#), s. 67(2), [Sch. 2 para. 2\(2\)\(c\)](#); [S.I. 2007/1792](#), [art. 2](#)

**F15** Words in s. 6(2) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [21\(c\)](#)

**F16** S. 6(3)(4) repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, [Sch. 34 Pt. XVI](#)

**F17** S. 6(5) repealed (E.) (26.10.2000) (W.) and (28.7.2001) by [2000 c. 22](#), ss. 102(2), 107, 108(4)-(7), [Sch. 6](#); [S.I. 2000/2849](#), [art. 2\(g\)\(iii\)](#)

**F18** Words in s. 6(6) substituted (1.1.2008 with effect in accordance with s. 18(9)(10) of the amending Act) by [Children Act 2004 \(c. 31\)](#), s. 67(2), [Sch. 2 para. 2\(2\)\(d\)](#); [S.I. 2007/1792](#), [art. 2](#)

**F19** Ss. 6(7), 7(2)(3), 8, 10, Sch. 2 paras. 2-4, 7, 9 repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

**F20** S. 6(8) repealed (22.7.2004) by [Statute Law Repeals Act 2004 \(c. 14\)](#), [s. 1\(1\)](#), {Sch. 1 Pt. 10 Group 3}

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

**C3** S. 6 saved by [Local Government Act 1972 \(c. 70\), s. 112\(3\)\(4\)](#)

### 7 Local authorities to exercise social services functions under guidance of Secretary of State.

(1) Local authorities shall, in the exercise of their social services functions, including the exercise of any discretion conferred by any relevant enactment, act under the general guidance of the Secretary of State.

[<sup>F21</sup>(1A) Section 78 of the Care Act 2014 applies instead of this section in relation to functions given by Part 1 of that Act or by regulations under that Part.]

<sup>F22</sup>(2) .....

#### Textual Amendments

**F21** S. 7(1A) inserted (1.4.2015) by [The Care Act 2014 and Children and Families Act 2014](#)

(Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), **Sch. para. 17** (with arts. 1(3), 3)

**F22** Ss. 6(7), 7(2)(3), 8, 10, Sch. 2 paras. 2–4, 7, 9 repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)

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

**C4** S. 7 applied (19.12.2001 for E. otherwise 1.3.2007) by 2001 c. 15, **ss. 45(10)(a), 70(2)** (with ss. 64(9), 65(4)); S.I. 2001/4149, **art. 2**; S.I. 2006/1407, **art. 2**, {Sch. 1 Pt. 2 para. 8(a)}

**C5** S. 7 applied (1.3.2007) by [National Health Service Act 2006 \(c. 41\), ss. 77\(11\)\(a\), 277](#)

S. 7 applied (1.3.2007) by [National Health Service \(Wales\) 2006 \(c. 42\), ss. 35\(11\)\(a\), 208](#) (with s. 19(3))

### [<sup>F23</sup>7A Directions by the Secretary of State as to exercise of social services functions.

(1) Without prejudice to section 7 of this Act, every local authority shall exercise their social services functions in accordance with such directions as may be given to them under this section by the Secretary of State.

(2) Directions under this section—

(a) shall be given in writing; and

(b) may be given to a particular authority, or to authorities of a particular class, or to authorities generally.

#### Textual Amendments

**F23** Ss. 7A–7E inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), s. 50](#)

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

**C6** S. 7A applied (19.12.2001 for E. otherwise 1.3.2007) by 2001 c. 15, **ss. 45(10)(b), 70(2)** (with ss. 64(9), 65(4)); S.I. 2001/4149, art. 2; S.I. 2006/1407, art. 2, **Sch. 1 Pt. 2 para. 8(a)**

**C7** S. 7A applied (1.3.2006) by [National Health Service Act 2006 \(c. 41\), ss. 77\(11\)\(b\), 277](#)

S. 7A applied (1.3.2006) by [National Health Service \(Wales\) Act 2006 \(c. 42\), ss. 35\(11\)\(b\), 208](#) (with s. 19(3))

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## F24 7B Complaints procedure

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### Textual Amendments

**F24** S. 7B repealed (1.9.2006 for E., 1.8.2014 for W.) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\), s. 199\(1\)\(4\), Sch. 14 Pt. 2](#); S.I. 2006/1680, art. 3(d); S.I. 2014/1793, art. 2

## 7C Inquiries

- (1) The Secretary of State may cause an inquiry to be held in any case where, whether on representations made to him or otherwise, he considers it advisable to do so in connection with the exercise by any local authority of any of their social services functions (except in so far as those functions relate to persons under the age of eighteen).
- (2) Subsections (2) to (5) of section 250 of the <sup>M1</sup>Local Government Act 1972 (powers in relation to local inquiries) shall apply in relation to an inquiry under this section as they apply in relation to an inquiry under that section.

### Textual Amendments

**F23** Ss. 7A–7E inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), s. 50](#)

### Marginal Citations

**M1** 1972 c.70 (81:1).

## 7D Default powers of Secretary of State as respects social services functions of local authorities.

- (1) If the Secretary of State is satisfied that any local authority have failed, without reasonable excuse to comply with any of their duties which are social services functions (other than a duty [<sup>F25</sup>referred to in subsection (4)]), he may make an order declaring that authority to be in default with respect to the duty in question.
- (2) An order under subsection (1) may contain such directions for the purpose of ensuring that the duty is complied with within such period as may be specified in the order as appear to the Secretary of State to be necessary.
- (3) Any such direction shall, on the application of the Secretary of State, be enforceable by mandamus.
- [<sup>F26</sup>(4) Subsection (1) does not apply in relation to a duty imposed by or under—
  - (a) the Children Act 1989,
  - (b) section 1 or 2(4) of the Adoption (Intercountry Aspects) Act 1999,
  - (c) the Adoption and Children Act 2002, or
  - (d) Part 1 of the Care Act 2014.]

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**Textual Amendments**

- F23** Ss. 7A–7E inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), [s. 50](#)
- F25** Words in [s. 7D\(1\)](#) substituted (1.4.2023) by [Health and Care Act 2022 \(c. 31\)](#), [ss. 164\(1\)\(a\)](#), 186(6); [S.I. 2023/371](#), [reg. 2\(f\)](#)
- F26** [S. 7D\(4\)](#) inserted (1.4.2023) by [Health and Care Act 2022 \(c. 31\)](#), [ss. 164\(1\)\(b\)](#), 186(6); [S.I. 2023/371](#), [reg. 2\(f\)](#)

**7E Grants to local authorities in respect of social services for the mentally ill.**

The Secretary of State may, with the approval of the Treasury, make grants out of money provided by Parliament towards any expenses of local authorities incurred in connection with the exercise of their social services functions in relation to persons suffering from mental illness.]

**Textual Amendments**

- F23** Ss. 7A–7E inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), [s. 50](#)

<sup>F27</sup>8 .....

**Textual Amendments**

- F27** Ss. 6(7), 7(2)(3), 8, 10, Sch. 2 paras. 2–4, 7, 9 repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

**9 Protection of interests, etc. of local authority staffs.**

- (1) The Secretary of State shall by order make provision for the protection of the interests of any existing staff affected by the provisions of section 2 or 6 of this Act, and that order may contain provisions applying, amending or repealing any provision made by or under any enactment and relating to the conditions of service of, or the payment of superannuation or other benefits to or in respect of, existing staff.
- (2) Regulations under section 60(2) of the <sup>M2</sup>Local Government Act 1958 (provision to be made by regulations for the payment of compensation in certain cases) may make provision in relation to persons who suffer loss of employment or loss or diminution of emoluments which is attributable to the provisions of section 2 or 6 of this Act.
- (3) Regulations made by virtue of subsection (2) above may be so framed as to have effect from a date earlier than that on which they are made, so however that so much of any regulations as provides that any provision thereof is to have effect from a date earlier than that on which they are made shall not place any person (other than the person required by the regulations to pay compensation) in a worse position than he would have been in if the regulations had been so framed as to have effect only as from the date on which they are made.
- (4) In this section “existing staff” means—
  - (a) persons who both immediately before and immediately after the coming into force in the area of a local authority of section 2 or 6 of this Act are employed

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by the authority in connection with the discharge by the authority of any function which immediately after the coming into force in that area of the said section 2 or 6, as the case may be, is a social services function of the authority; and

- (b) persons who both immediately before and immediately after the coming into force in the area of a local authority of—
  - (i) an order under section 2(2) of this Act, or
  - (ii) a direction under section 2(4) thereof, not being a direction which comes into force in that area on the same date as that on which that section comes into force therein,

are employed by the authority in connection with the discharge by the authority of any function to which the order or direction, as the case may be, relates.

**Marginal Citations**

M2 1958 c. 55.

F28<sup>10</sup> .....

**Textual Amendments**

F28 Ss. 6(7), 7(2)(3), 8, 10, Sch. 2 paras. 2–4, 7, 9 repealed by [Local Government Act 1972 \(c. 70\)](#), **Sch. 30**

F29<sup>11</sup> .....

**Textual Amendments**

F29 S. 11 repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41\)](#), SIF 113:3, s. 30, **Sch. 10 Pt. I**

**12 Isles of Scilly.**

- (1) The Secretary of State may by order direct that this Act shall have effect as if the Council of the Isles of Scilly were a local authority for the purposes of this Act.
- (2) In its application to the Isles of Scilly by virtue of an order made under this section, this Act shall have effect with such modifications as may be specified in the order.

**13 Orders and regulations.**

- (1) Orders . . . <sup>F30</sup> of the Secretary of State under this Act shall be made by statutory instrument.
- (2) Any order made under any provision of this Act, except an order under section 14(3), may be varied or revoked by a subsequent order so made.
- (3) In the case of a statutory instrument containing an order under section [<sup>F31</sup>1A] or 14(3) of this Act . . . <sup>F30</sup>, a draft of the instrument shall be laid before Parliament, and an

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instrument containing an order under the said section [F31 1A] shall not be made unless the draft has been approved by a resolution of each House of Parliament.

(4) A statutory instrument containing an order under section 9(1) or 12 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

F32(5) . . . . .

**Textual Amendments**

**F30** Words repealed by [Local Government, Planning and Land Act 1980 \(c. 65, SIF 81:1, 2\)](#), s. 194, **Sch. 34 Pt. XVI**

**F31** Words in s. 13(3) substituted (E.) (26.10.2000) and (W.) (28.7.2001) by [2000 c. 22, ss. 107, 108\(4\)-\(7\)](#), **Sch. 5 para. 5**; [S.I. 2000/2849, art. 2](#)

**F32** [S. 13\(5\)](#) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **22**

**14 Minor and consequential amendments, repeals and saving for certain schemes.**

(1) The enactments specified in Schedule to this Act shall have effect subject to the amendments specified in relation thereto in that Schedule, being minor amendments and amendments consequential on the provisions of this Act.

XI(2) The enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

(3) The Secretary of State may by order repeal or amend any provision in any local Act, including an Act confirming a provisional order, or in an instrument in the nature of a local enactment under any Act, where it appears to him that that provision is inconsistent with, or has become unnecessary or requires modification in consequence of, any provision of this Act or corresponds to any provision repealed by this Act.

F33(4) . . . . .

**Editorial Information**

**X1** The text of ss. 2(7), 6(8), 14(1)(2), Sch. 2 paras. 1, 6, 8, 10, 12(1)(2), Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Textual Amendments**

**F33** [S. 14\(4\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **s. 1(1)**, {Sch. 1 Pt. 10 Group 3}

**15 Citation, interpretation, commencement and extent.**

(1) This Act may be cited as the Local Authority Social Services Act 1970.

(2) In this Act “functions” includes powers and duties and “social services functions” has the meaning given by section [F34 1A] . . . F35 of this Act. Any reference in this Act to an enactment shall be construed as including a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.



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- (3) Any reference in this Act to an enactment shall be construed as including a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.
- (4) <sup>F36</sup> .....
- (5) <sup>F37</sup> .....
- (6) This Act, . . . <sup>F38</sup>, shall not extend to Scotland.
- (7) This Act, except . . . <sup>F38</sup>this subsection, shall not extend to Northern Ireland; . . . <sup>F39</sup>

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**Textual Amendments**

- F34** Words in s. 15(2) substituted (E.) (26.10.2000) and (W.) (28.7.2001) by 2000 c. 22, ss. 107, 108(4)-(7), **Sch. 5 para. 6**; S.I. 2000/2849, **art. 2(a)**
- F35** Word “(3)” repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, **Sch. 34 Pt. XVI**
- F36** S. 15(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 3}
- F37** S. 15(5) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **s. 1(1)**, {Sch. 1 Pt. 10 Group 3}
- F38** Words repealed by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 30, **Sch. 10 Pt. I**
- F39** Words repealed by Northern Ireland Constitution Act 1973 (c. 36), **Sch. 6 Pt. I**

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**Changes and effects yet to be applied to :**

- Sch. 1 entry inserted by [2010 c. 18 s. 1\(6\)](#)
- Sch. 1 words inserted by [2010 nawm 1 s. 69](#)
- Sch. 1 words inserted by [2003 c. 43 Sch. 9 para. 4](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. words omitted by [S.I. 2016/413 reg. 24\(k\)](#)
- Sch. words omitted by [S.I. 2016/413 reg. 24\(o\)](#)