



Health Services Act 1980

1980 CHAPTER 53

PART I

THE NATIONAL HEALTH SERVICE

Financial provisions relating to the health services in England, Wales and Scotland

4 Power to make grants towards expenditure on services of common concern to health authorities etc. and local authorities

(1) After section 28 of the Act of 1977 there shall be inserted the following section—

“28A Power to make grants towards expenditure on services of common concern to health authorities and local authorities.

- (1) An Area Health Authority or District Health Authority may, if they think fit, make grants subject to and in accordance with the provisions of this section to the following local authorities towards expenditure to be incurred by them in connection with the performance of the following functions, that is to say—
 - (a) to any local social services authority, in respect of expenditure in connection with the performance of any function which, by virtue of section 2(1) or (2) of the Local Authority Social Services Act 1970, is to be performed through the social services committee of the authority ;
 - (b) to any district council in respect of expenditure in connection with the performance by the council of any function of theirs under section 8 of the Residential Homes Act 1980 or the corresponding enactment repealed by that Act (meals and recreation for old people).
- (2) A grant under this section may be made in respect of expenditure of a capital or of a revenue nature or in respect of both kinds of expenditure.
- (3) No grant shall be made under subsection (1) above in respect of any expenditure unless—

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- (a) the expenditure has been recommended for a grant under this section by the joint consultative committee on which, in accordance with section 22 above, the health authority and the local authority concerned are represented and the conditions subject to which the grant is to be made accord with the advice given by that committee in making the recommendation; and
 - (b) the conditions subject to which it is to be made conform with the conditions prescribed for grants of that description by the Secretary of State in directions under this paragraph.
- (4) Where expenditure which has been recommended in pursuance of the said section 22 for a grant under this section is expenditure in connection with the provision of services to be provided by a voluntary organisation then, subject to subsection (5) below—
- (a) the Area Health Authority or District Health Authority may, instead of or in addition to making grants under subsection (1) above to the local authority concerned in the provision of the services, make grants to the voluntary organisation towards the expenditure to be incurred by the organisation in connection with the provision of those services; or
 - (b) the local authority may, out of the sums payable to the authority under subsection (1) above, make grants to the voluntary organisation towards expenditure to be incurred by the organisation in connection with the provision of those services.
- (5) No grant shall be made under subsection (4) above in respect of any expenditure except subject to conditions which conform with the conditions prescribed for grants of that description by the Secretary of State under subsection (3)(b) above and which accord with the advice given by the joint consultative committee in recommending the expenditure for a grant under this section.
- (6) In subsection (1)(a) above the reference to functions which, by virtue of section 2(1) of the Act of 1970, are to be performed through the social services committee of a local authority does not include a reference to the functions of a local authority under section 3 of the Disabled Persons (Employment) Act 1958 (facilities for enabling disabled persons to be employed or work under special conditions).”.
- (2) After section 16 of the Scottish Act of 1978 there shall be inserted the following section—

“16A Power to make grants towards expenditure on services of common concern to Health Boards and local authorities.

- (1) A Health Board may, if they think fit, make grants subject to and in accordance with the provisions of this section to any regional or islands council towards expenditure to be incurred by them in connection with the performance of the following functions, that is to say—
- (a) any function relating to a matter which, by virtue of section 2(2) of the Social Work (Scotland) Act 1968 or any other enactment, stands referred to the social work committee of the council;
 - (b) any function of the council under—
 - (i) Part III of the National Assistance Act 1948;

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

- (ii) section 10 of the Mental Health Act 1959;
 - (iii) section 1 or 2 of the Chronically Sick and Disabled Persons Act 1970;
 - (iv) section 23 or 297 of the Criminal Procedure (Scotland) Act 1975 ;
 - (v) Schedule 5 to the Supplementary Benefits Act 1976.
- (2) A grant under this section may be made in respect of expenditure of a capital or of a revenue nature or in respect of both kinds of expenditure.
- (3) No grant shall be made under subsection (1) in respect of any expenditure unless the conditions subject to which it is to be made conform with the conditions prescribed for grants of that description by the Secretary of State in directions under this subsection.
- (4) Where a voluntary organisation provides services which are similar to the functions referred to in subsection (1), then—
- (a) the Health Board may, instead of or in addition to making grants under that subsection to the council performing those functions, make grants to the voluntary organisation towards the expenditure to be incurred by the organisation in connection with the provision of those services;
 - (b) the council may, out of the sums payable to them under subsection (1), make grants to the voluntary organisation towards expenditure to be incurred by the organisation in connection with the provision of those services;
- but no grant shall be made under paragraph (a) or (b) except subject to conditions which conform with the conditions prescribed for grants of that description by the Secretary of State under subsection (3).
- (5) In subsection (1)(a) the reference to functions relating to matters which, by virtue of section 2(2) of the Social Work (Scotland) Act 1968 or any other enactment, stand referred to the social work committee of a regional or islands council does not include a reference to the functions of such a council under section 3 of the Disabled Persons Employment Act 1958 (facilities for enabling disabled persons to be employed or work under special conditions).”.