



Health And Social Services And Social Security Adjudications Act 1983

CHAPTER 41

HEALTH AND SOCIAL SERVICES AND SOCIAL SECURITY ADJUDICATIONS ACT 1983

PART I

COMMUNITY CARE

- 1 Joint financing of community services in England and Wales.
- 2 Support to financing of community services in Scotland.
- 3 Financial assistance to voluntary organisations in Scotland.

PART II

CHILDREN AND YOUNG PERSONS

- 4 Abolition of regional plans for accommodation for children.
- 5 Closure of controlled or assisted community home.
- 6 Access to children in care—England and Wales.
- 7 Access to children in care—Scotland.
- 8 Secure accommodation for children in Scotland.
- 9 Miscellaneous amendments of enactments relating to children and young persons.

PART III

THE CENTRAL COUNCIL FOR EDUCATION AND TRAINING IN SOCIAL WORK

- 10 The Central Council for Education and Training in Social Work.

Status: Point in time view as at 01/02/1991.

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PART IV

RESIDENTIAL HOMES, NURSING HOMES ETC.

- 11 Registration of homes.

PART V

ORGANISATION OF THE NATIONAL HEALTH SERVICE

- 12 Amendments of National Health Service Act 1977.
13 Repeal of provisions about designation and membership of teaching authorities.

PART VI

MEDICAL PRACTITIONERS ETC.

- 14 Medical practitioners etc.
15 Dental practitioners whose registration is suspended—England and Wales.
16 Dental practitioners whose registration is suspended—Scotland.

PART VII

CHARGES FOR LOCAL AUTHORITY SERVICES

- 17 Charges for local authority services in England and Wales.
18 Charges for local authority services in Scotland.
19 Contributions in respect of children in care.
20 Power of local authority to limit charge for residential accommodation to minimum rate.
21 Recovery of sums due to local authority where persons in residential accommodation have disposed of assets.
22 Arrears of contributions charged on interest in land in England and Wales.
23 Arrears of contributions secured over interest in land in Scotland.
24 Interest on sums charged on or secured over interest in land.

PART VIII

MISCELLANEOUS

- 25 Social security adjudications.
26 Fees for certificates relating to notifiable diseases and food poisoning.
27 Abolition of advisory bodies.

PART IX

SUPPLEMENTARY

- 28 Financial provisions.
29 Minor and consequential amendments.
30 Repeals and revocation.
31 Power to repeal or amend local Acts.
32 Commencement.
33 Extent.
34 Short title.

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SCHEDULES

SCHEDULE 1 — Access to Children in Care—England and Wales

Part I — ADDITION OF PART IA TO CHILD CARE ACT 1980

1 The following shall be inserted after section 12 of the...

Part II — OTHER AMENDMENTS

2 The following subsection shall be added at the end of...

3

4 The following subparagraph shall be added at the end of...

SCHEDULE 2 — Miscellaneous Amendments Relating to Children and Young Persons

Adoption Act 1958 (c. 5.)

1 The repeals— (a) of section 33 of the Adoption Act...

Children Act 1958 (c.65.)

2 In section 7 of the Children Act 1958 (removal of...

Mental Health Act 1959 (c. 72.)

3 In subsection (1) of section 9 of the Mental Health...

Social Work (Scotland) Act 1968 (c. 49.)

4 In subsection (3A) of section 15 of the Social Work...

5 In section 20 of that Act (duty of local authority...

6 In subsection (2) of section 23 of that Act (power...

7 In subsection (1) of section 31 of that Act (restriction...

8 In section 42 of that Act (application from reporter to...

Family Law Reform Act 1969 (c. 46.)

9 In section 7(2) of the Family Law Reform Act 1969...

Children and Young Persons Act 1969 (c. 54.)

10 The following paragraph shall be substituted for paragraph (bb) of...

11 The following section shall be inserted after section 14 of...

12 The following subsection shall be inserted after subsection (2) of...

13 The following section shall be substituted for section 21A of...

14 In section 22(2) of that Act (which specifies certain cases...

15 In section 25 of that Act (transfers of children in...

16 In subsection (3) of section 32 of that Act (which...

17 Section 46 of that Act (discontinuance of approved schools etc....

18 In section 65(3) of that Act (grants to voluntary organisations...

19 In section 73 of that Act (citation, commencement and extent)...

Matrimonial Causes Act 1973 (c. 18.)

20 In section 43(1) of the Matrimonial Causes Act 1973 (children...

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Powers of Criminal Courts Act 1973 (c. 62.)

21 At the end of section 13(1) of the Powers of...

Children Act 1975 (c. 72.)

22 In section 4(1) of the Children Act 1975 (approval of...
23 In subsection (2)(b) of section 37 of that Act (custodianship...
24 The following subsections shall be substituted for subsection (1) of...
25 In section 51 of that Act (restriction on removal of...
26 In section 52 of that Act (return of child taken...
27 In section 101 of that Act (appeals etc.)—
28 In section 103 of that Act (guardians ad litem etc.)—...

Adoption Act 1976 (c. 36.)

29 In section 3(1) of the Adoption Act 1976 (approval of...
30 Section 10 of that Act (inspection of books of approved...
31 In section 18(6) of that Act (which relates to the...
32 In section 24(2) of that Act (which prevents a court...
33 Subsections (4) and (5) of section 27 and (8) and...
34 In section 29 of that Act (return of child taken...
35 The following section shall be inserted after section 58 of...
36 In subsection (4) of section 63 of that Act (appeals,...
37 In section 72(1) of that Act— (a) in the definition...

Adoption (Scotland) Act 1978 (c. 28.)

38 In section 3(1) of the Adoption (Scotland) Act 1978 (approval...
39 Section 10 of that Act (inspection of books of approved...
40 In section 18(6) of that Act (freeing of child for...
41 In section 24(2) of that Act (no adoption order unless...
42 Subsections (4) and (5) of section 27 and (8) and...
43 In subsections (1) and (2) of sections 27 and 28...
44 In section 29 of that Act (return of child taken...
45 In section 65(1) of that Act— (a) in the definition...

Child Care Act 1980 (c. 5.)

46 The following subsection shall be substituted for subsection (2) of...
47 The following subsection shall be added at the end of...
48 In subsection (2) of section 13 of that Act (penalty...
49 At the end of section 21(1) of that Act (provision...
50 The following section shall be substituted for section 21A of...
51 In subsection (3) of section 24 of that Act (by...
52 In section 35 of that Act (instruments of management for...
53 In subsection (1) of section 44 of that Act (financial...
54 In subsection (1) of section 45 of that Act (by...
55 The following section shall be inserted after section 64 of...
56 In section 79 of that Act (returns of information and...
57 In section 82 of that Act (grants in respect of...
58 In section 85 of that Act (regulations and orders)—
59 In paragraph 3 of Schedule 4 to that Act (transitional...

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Interpretation

- 60 The word “actual” shall be inserted before the word “custody”,...
- 61 In section 57(2) of the Adoption Act 1958, for the...
- 62 The following section shall be inserted after section 57 of...

SCHEDULE 3 — The Central Council for Education and Training in Social Work Part I

Membership

- 1 The Council shall consist of a chairman and not more...
- 2 The members of the Council shall be appointed by the...
- 3 Before appointing a member other than the chairman the Secretary...
- 4 The Chairman shall be appointed for a term not exceeding...
- 5 Each of the other members shall be appointed for a...
- 6 A person who is or who has been a member...
- 7 The persons who are the chairman and members of the...
- 8 A member of the Council may at any time resign...
- 9 The Secretary of State may remove a member from office...

Part II — SUPPLEMENTARY

Committees

- 10 The Council may appoint one or more committees.
- 11 A committee may be appointed under paragraph 10 above to...
- 12 If the Secretary of State directs the Council to appoint...
- 13 The Council may determine that any committee appointed under paragraph...
- 14 Where a committee perform any of the Council’s functions, the...
- 15 No person shall be appointed chairman of a committee unless...
- 16 If the Secretary of State so directs, it shall be...
- 17 A notification under paragraph 16 above shall be sent to...
- 18 A person whose proposed appointment has been notified to the...

Proceedings

- 19 The proceedings of the Council or any committee appointed by...
- 20 The Council and, subject to any directions of the Council,...

Staff

- 21 The Council may appoint such numbers of staff, of such...
- 22 The Council shall have power, with the approval of the...
- 23 Compensation under paragraph 22(d) above may be in excess of...

Payment of allowances to members

- 24 The Council may pay to their members, and to the...

Accounts and audit

- 25 The Council shall keep proper accounts and other records in...
- 26 The Secretary of State shall transmit the statement on or...

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Expenses of Council

- 27 The Secretary of State shall out of money provided by...
28 In paragraph 27 above “approved expenditure” means expenditure incurred with...

SCHEDULE 4 — Registered Homes Part I — RESIDENTIAL CARE HOMES

Requirement of registration

- 1 (1) Subject to the following provisions of this paragraph, registration...

General interpretation

- 2 (1) In this Part of this Schedule— “ disablement ”,...

Meaning of “relative”

- 3 (1) In this Part of this Schedule “ relative ”...

Penalty for carrying on home without registration

- 4 If any person carries on a residential care home without...

Registration of managers etc. and persons in control

- 5 Where the manager or intended manager of a residential care...

Optional registration

- 6 (1) A person who— (a) is registered under the Nursing...

Registration

- 7 (1) An application for registration shall be made to the...

Death of only person registered in respect of home

- 8 Where— (a) one person only is registered in respect of...

Inspection of registers

- 9 The registers kept by a registration authority for the purpose...

Annual fee for registration

- 10 The Secretary of State may by regulations—

Refusal of registration

- 11 The registration authority may refuse to register an applicant for...

Cancellation of registration

- 12 The registration authority may cancel the registration of a person...

Urgent procedure for cancellation of registration etc.

- 13 (1) If— (a) the registration authority apply to a justice...

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Procedure—general

- 14 (1) Subject to subparagraph (2) below, where—

Right to make representations

- 15 (1) A notice under paragraph 14 above shall state that...
16 (1) If the registration authority decide to adopt the proposal,...

Appeals

- 17 (1) An appeal against— (a) a decision of a registration...

Service of documents

- 18 (1) Any notice or other document required under this Part...

Conduct of residential care homes

- 19 (1) The Secretary of State may make regulations as to...

Inspection of homes

- 20 (1) Any person authorised in that behalf by the Secretary...

Prosecutions etc.

- 21 Where an offence under this Part of this Schedule or...
22 (1) In any proceedings for an offence under this Part...

Regulations

- 23 (1) Any power of the Secretary of State to make...
Part II — AMENDMENTS OF ACTS RELATING TO REGISTERED HOMES

Nursing Homes Act 1975

- 24 In section 1 of the Nursing Homes Act 1975—
25 The following subsection shall be inserted after subsection (1) of...
26 The following section shall be inserted after that section— Prohibition...
27 The following paragraphs shall be inserted after section 5(1)(a) of...
28 The following paragraphs shall be inserted after section 6(c) of...
29 In paragraph (c) of section 7 of that Act for...
30 The following paragraph shall be inserted after paragraph (d) of...
31 (1) The following subsection shall be substituted for subsection (2A)...
32 The following sections shall be inserted after that section— Urgent...
33 The following section shall be inserted after section 10 of...
34 (1) The following paragraph shall be substituted for subsection (1)(a)...
35 The following section shall be inserted after that section—
Contravention...
36 The following section shall be substituted for section 17 of...
37 In section 23(2) of that Act for the words “the...

Child Care Act 1980

- 38 In section 56 of the Child Care Act 1980 (definition...
39 In section 57 of that Act— (a) the following subsections...

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- 40 The following sections shall be inserted after that section—
Procedure...
- 41 In section 60(1)(a) of that Act after the word “accommodation”...
- 42 In subsection (4) of section 76 of that Act (inquiries)...
- 43 In subsection (1) of section 87 of that Act (interpretation)...

Children’s Homes Act 1982

- 44 In paragraph (c) of section 1(2) of the Children’s Homes...
- 45 In section 4 of that Act— (a) the following subsection...
- 46 The following sections shall be inserted after section 6 of...
- 47 The following section shall be substituted for section 12 of...
- 48 The following subsections shall be added at the end of...
- Part III — REGISTERED HOMES TRIBUNALS

Preliminary

- 49 The following are relevant enactments for the purposes of this...

Constitution of panels for chairmen and members

- 50 (1) For the purpose of enabling a tribunal to hear...

Constitution of Tribunals—general

- 51 (1) A Registered Homes Tribunal shall consist of a chairman...

*Tribunals for appeals relating to nursing homes
(including maternity homes) and mental nursing homes*

- 52 (1) A Registered Homes Tribunal to hear an appeal relating...

Procedure of tribunals

- 53 (1) The Secretary of State may by statutory instrument make...
- 54 The Arbitration Act 1950 shall not apply to any proceedings...

Staff for tribunals

- 55 The Secretary of State shall assign such staff as may...

Fees, allowances and expenses

- 56 The Secretary of State may— (a) pay to members of...

SCHEDULE 5 — Amendments of National Health Service Act 1977

- 1 The National Health Service Act 1977 shall have effect subject...
- 2 In section 22 (cooperation between health authorities and local authorities)—...
- 3 In section 98 (accounts and audit)— (a) the following paragraph...

SCHEDULE 6 — Medical Practitioners etc.

- 1

Arrangements for provision of general medical services in England and Wales

- 2 (1) The following paragraphs shall be added at the end...

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Control of remuneration and conditions of service of health service officers

3 (1) In paragraph 10(1) of Schedule 5 to the National...

Provisions relating to Preserved Boards of Governors

4 For the purposes of section 15(3) of the National Health...

SCHEDULE 7 — Amendment of National Health Service (Scotland) Act 1978

Delegation of functions to Health Boards

1 In section 2 of the National Health Service (Scotland) Act...

Arrangements for provision of general medical services in Scotland

2 In section 19 (arrangements and regulations for general medical services)...

Disposal of land

3 In section 79 of that Act (purchase of land and...

Control of remuneration and conditions of service of employees

4 (1) The following paragraph shall be added after paragraph 5...

SCHEDULE 8 — Social Security Adjudications

Part I — GENERAL

1 (1) The functions of insurance officers appointed under the Social...

Part II — AMENDMENTS OF SOCIAL SECURITY ACT 1975

2 The following subsections shall be substituted for section 97(1) and...

3 The following subsection shall be inserted after section 104(1) of...

4 In section 112(3) of that Act (under which no appeal...

5 In section 115(2) of that Act (tribunals) for the word...

6 In section 117(1) of that Act (finality of decisions) for...

7 The following paragraph shall be substituted for paragraph 1 of...

8 The following shall be inserted after the said paragraph 1—...

9 The following paragraph shall be substituted for paragraph 2 of...

10 The following paragraph shall be inserted after paragraph 5 of...

11 The following paragraph shall be added at the end of...

12 In paragraph 9(a) of Schedule 13 to that Act (procedure)...

13 In Schedule 20 to that Act the following definition shall...

Parts III and IV

14—17

Part V — MISCELLANEOUS AMENDMENTS

18

Social Security and Housing Benefits Act 1982 (c. 24)

19 In paragraph 8 of Schedule 2 to the Social Security...

20 In paragraph 12 of Schedule 3 to that Act—

Part VI — MEDICAL BOARDS

Amendments of Social Security Act 1975

21 (1) The following subsection shall be substituted for section 108(2)...

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- 22 In section 109 of that Act— (a) in subsection (1),...
- 23 In section 110 of that Act— (a) in subsection (1),...
- 24 In section 113— (a) the following paragraph shall be substituted...
- 25 In section 115(2) of that Act, for the words “a...
- 26 In section 117 of that Act the words “an adjudicating...
- 27 In Schedule 12 to that Act— (a) the following paragraph...
- 28 In Schedule 20 to that Act the following definition shall...

Supplementary

- 29 Any enactment passed before the coming into force of this...
- 30 Documents and forms printed or duplicated for use in connection...
- Part VII — SUPPLEMENTARY
- 31 (1) The Secretary of State may by regulations made by...

SCHEDULE 9 — Minor and Consequential Amendments
Part I — MISCELLANEOUS AMENDMENTS

Public Health Act 1936 (c. 49)

- 1 So much of subsections (3) and (4) of section 143...

Public Health (Scotland) Act 1945 (c. 15)

- 2 (1) In subsections (3) and (4) of section 1 of...

National Assistance Act 1948 (c. 29)

- 3 The following section shall be inserted after section 30 of...
- 4 In section 41(2)(a) of the National Assistance Act 1948 (registration...

Nurseries and Child-Minders Regulation Act 1948 (c. 53)

- 5 In subsection (3) of section 3 of the Nurseries and...

Mental Health Act 1959 (c. 72)

- 6 In section 128(1)(b) of the Mental Health Act 1959 (sexual...

Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- 7 The following subparagraph shall be inserted after subparagraph (f) of...

Social Work (Scotland) Act 1968 (c. 49)

- 8 In section 10 of the Social Work (Scotland) Act 1968...

Local Authority Social Services Act 1970 (c. 7)

- 9 At the end of Schedule 1 to the Local Authority...

Tribunals and Inquiries Act 1971 (c. 62)

- 10 In subsection (3) of section 7 of the Tribunals and...
- 11 In subsection (1) of section 13 of that Act (appeals...
- 12 The following paragraph shall be substituted for paragraph 4 of...
- 13 The following paragraph shall be inserted after paragraph 21 of...
- 14 The following paragraph shall be inserted after paragraph 28 of...

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15 In paragraph 30A (a) of that Schedule for the word...

Local Government Act 1972 (c. 70)

16 In subsection (1) of section 102 of the Local Government...

Guardianship Act 1973 (c. 29)

17 In subsection (4)(d) of section 4 of the Guardianship Act...

House of Commons Disqualification Act 1975 (c. 24)

18 In Part III of Schedule 1 to the House of...

Adoption Act 1976 (c. 36)

19 In section 32(3) of the Adoption Act 1976 (meaning of...

20

National Health Service Act 1977 (c. 49)

21 So much of subsection (2) of section 100 of the...

22 In Section 128(1) of that Act (interpretation and construction) the...

23 At the end of Schedule 8 to that Act (local...

National Health Service (Scotland) Act 1978 (c. 29)

24 In section 105(7) of the National Health Service (Scotland) Act...

Employment Protection (Consolidation) Act 1978 (c. 44)

25 In paragraph 1 of Schedule 5 to the Employment Protection...

Foster Children Act 1980 (c. 6)

26 In subsection (5) of section 2 of the Foster Children...

Reserve Forces Act 1980 (c. 9)

27 The following paragraph shall be substituted for paragraph 2 of...

Overseas Development and Cooperation Act 1980 (c. 63)

28 The words “for an area or district” shall be omitted...

Part II — MEALS AND RECREATION FOR OLD PEOPLE

1 A district council shall have power to make such arrangements...

2 A district council may assist any such organisation as is...

3 (1) District councils shall exercise their functions under this Part...

4 In this Part of this Schedule— “functions” includes powers and...

SCHEDULE 10 — Repeals and Revocation

Part I — REPEALS

Part II — REVOCATION

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