



# National Assistance Act 1948

## 1948 CHAPTER 29

### PART IV

#### GENERAL AND SUPPLEMENTARY.

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

#### **37 Registration of disabled persons' and old persons' homes.**

- (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.
- (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 live 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

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- (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.
- (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,

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- (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.
- (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 Procedure and right of appeal where registration refused or cancelled.**

- (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.
- (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 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.

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**39 Inspection of disabled persons' and old persons' homes.**

- (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.

**40 Supplementary provisions as to regulation of disabled persons' or old persons' homes.**

- (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 Registration of charities for disabled persons.**

- (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.
- (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

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- 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;
  - (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 ".
- (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.
- (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.*

**42 Liability to maintain wife or husband, and children.**

- (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 his paternity of whom has been admitted or otherwise established.

**43 Recovery of cost of assistance from persons liable for maintenance.**

- (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

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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,
  - (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.

#### **44 Affiliation orders.**

- (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 legitimate 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.
- (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

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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.
- (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.

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#### **45 Recovery in cases of misrepresentation or non-disclosure.**

- (1) If, whether fraudulently or otherwise, any person misrepresents or fails to disclose any material fact, and in consequence of the misrepresentation or failure—
  - (a) the Board or a local authority incur any expenditure under Part II or Part III of this Act, or
  - (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.*

#### **46 Amendments of Old Age Pensions Act, 1936.**

- (1) In calculating the means of a person for the purposes of the Old Age Pensions Act, 1930, 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.”



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

- (1) The following provisions of this section shall have effect for the purposes of securing the necessary care and attention for persons who—
- (a) are suffering from grave chronic disease or, being aged, infirm or physically incapacitated, are living in insanitary conditions, and
  - (b) are unable to devote to themselves, and are not receiving from other persons, proper care and attention.
- (2) If the medical officer of health certifies in writing to the appropriate authority that he is satisfied after thorough inquiry and consideration that in the interests of any such person as aforesaid residing in the area of the authority, or for preventing injury to the health of, or serious nuisance to, other persons, it is necessary to remove any such person as aforesaid from the premises in which he is residing, the appropriate authority may apply to a court of summary jurisdiction having jurisdiction in the place where the premises are situated for an order under the next following subsection.
- (3) On any such application the court may, if satisfied on oral evidence of the allegations in the certificate, and that it is expedient so to do, order the removal of the person to whom the application relates, by such officer of the appropriate authority as may be specified in the order, to a suitable hospital or other place in, or within convenient distance of, the area of the appropriate authority, and his detention and maintenance therein:
- Provided that the court shall not order the removal of a person to any premises, unless either the person managing the premises has been heard in the proceedings or seven clear days' notice has been given to him of the intended application and of the time and place at which it is proposed to be made.
- (4) An order under the last foregoing subsection may be made so as to authorise a person's detention for any period not exceeding three months, and the court may from time to time by order extend that period for such further period, not exceeding three months, as the court may determine.
- (5) An order under subsection (3) of this section may be varied by an order of the court so as to substitute for the place referred to in that subsection such other suitable place in, or within convenient distance of, the area of the appropriate authority as the court may determine, so however that the proviso to the said subsection (3) shall with the necessary modification apply to any proceedings under this subsection.
- (6) At any time after the expiration of six clear weeks from the making of an order under subsection (3) or (4) of this section an application may be made to the court by or on behalf of the person in respect of whom the order was made, and any such application the court may, if in the circumstances it appears expedient so to do, revoke the order.
- (7) No application under this section shall be entertained by the court unless, seven clear days before the making of the application, notice has been given of the intended application and of the time and place at which it is proposed to be made—

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- (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 'art 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.
- (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 Duty of councils to provide temporary protection for property of persons admitted to hospitals, etc.**

- (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

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- (c) is removed to any other place under an order made under subsection (3) of the last foregoing section,
- 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.
- (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.

#### **49 Expenses of council officers acting as Receivers.**

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.

#### **50 Burial or cremation of the dead.**

- (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.

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- (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.

## **51 Failure to maintain.**

- (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.
- (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 False statements.**

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

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- (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.*

**53 The Appeal Tribunal.**

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.

**54 Inquiries.**

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.

**55 Provisions as to entry and inspection.**

- (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.

**56 Legal proceedings.**

- (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,

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- (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—

“(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 Ascertainment of war savings.**

- (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.
- (2) This section shall extend to Northern Ireland.

**58 Acquisition of land.**

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

**59 Accounts of councils of county boroughs.**

- (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

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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.

## **60 Compensation of displaced officers.**

- (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 denned 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 Expenses and receipts.**

- (1) There shall be defrayed out of moneys provided by Parliament—
  - (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;

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- (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 Transitional provisions, consequential adaptation of enactments and repeals.**

- (1) The transitional provisions set out in the Sixth Schedule to this Act shall have effect for the purposes of this Act.
- (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.

## **63 Regulations, rules and orders.**

- (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.



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## **64 Interpretation.**

- (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;
  - " 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.

## **65 General provisions as to application to Scotland.**

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;

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- (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.

**66 Application to Isles of Scilly.**

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.

**67 Provisions as to Northern Ireland.**

- (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,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 Short title and commencement.**

- (1) This Act may be cited as the National Assistance Act, 1948.
- (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.