

Changes to legislation: Local Government Act 1972, SCHEDULE 23 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

^{X1}SCHEDULE 23

Section 195.

AMENDMENTS OF ENACTMENTS CONFERRING SOCIAL SERVICES FUNCTIONS

Editorial Information

X1 The text of Sch. 23 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

^{F1}1

Textual Amendments

F1 Sch. 23 para. 1 repealed by [National Health Service Act 1977 \(c. 49, SIF 113:2\)](#), s. 129, [Sch. 16](#)

- 2
- (1) In section 21 of the ^{M1}National Assistance Act in subsection (1), for the words from the beginning to “to provide” there shall be substituted the words “ Subject to and in accordance with the provisions of this Part of this Act, a local authority may with the approval of the Secretary of State, and to such extent as he may direct shall, make arrangements for providing ” ; in subsection (2) of that section for the words “the exercise of their said duty” there shall be substituted the words “ making any such arrangements ”; subsection (3) of that section shall be, omitted ; and in subsection (4) of that section, for the words “said functions” there shall be substituted the words “ functions under this section ” and for the words “specified in the scheme” there shall be substituted the words “ determined in accordance with the arrangements ”.
 - (2) In section 24 of that Act, in subsections (1) . . . ^{F2} for the word “liable” there shall be substituted the word “ empowered ” ; in subsection (3) for the word “duty” there shall be substituted the word “ power ” ; and in subsection (4) of that section for the word “scheme” there shall be substituted the word “ arrangements ”.
 - (3) In section 26 of that Act, [^{F3}in subsection (1) for the words “a scheme under section twenty-one thereof may provide that” there shall be substituted the words “ arrangements under section 21 thereof may include provision whereby ” and] in subsection (2) [^{F3}of that section] for the words “such arrangements as aforesaid” there shall be substituted the words “ arrangements made by virtue of subsection (1) of this section ”.
 - (4) In section 29 of that Act, in subsection (1), for the words “shall have power to” there shall be substituted the words “ may, with the approval of the Secretary of State, and to such extent as he may direct in relation to persons ordinarily resident in the area of the local authority shall ”; and subsections (2) and (3) of that section shall be omitted.

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- (5) In section 30(1) of that Act, for the words “if the scheme under the last foregoing section so provides” there shall be substituted the words “ in accordance with arrangements made under section 29 of this Act ”.
- (6) In section 33(1) of that Act, for the words “the council of a county or county borough” there shall be substituted the words “ a council which is a local authority for the purposes of the Local Authority Social Services Act 1970 ”.
- [^{F4}(7) In section 35(2) of that Act, the words from the beginning to “this Act”, in the first place where those words occur, shall be omitted.]
- ^{F5}(8)
- ^{F6}(9)
- (10) In section 48 of that Act, in subsection (4), for the words “the council of the county, county borough or large burgh” there shall be substituted the words “ the council which is the local authority for the purposes of the Local Authority Social Services Act 1970 and ”.
- (11) In section 49 of that Act, for the words “the council of a county or county borough” there shall be substituted the words “ any such council as is referred to in section 48(4) of this Act ”.
- ^{F7}(12)
- (13) In section 56 of that Act, for subsection (3) there shall be substituted the following subsection:—
 - “(3) Offences under this Act, other than offences under section 47(11) of this Act, may be prosecuted by any council which is a local authority for the purposes of the Local Authority Social Services Act 1970 and offences under section 47(11) of this Act may be prosecuted by the councils referred to in section 47(12) of this Act.”

Textual Amendments	
F2	Words repealed by Housing (Homeless Persons) Act 1977 (c. 48, SIF 61) , s. 20(4), Sch.
F3	Words repealed (<i>prosp.</i>) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2) , ss. 66(2), 67(2), Sch. 10
F4	Sch. 23 para. 2(7) repealed (<i>prosp.</i>) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2) , ss. 66(2), 67(2), Sch. 10
F5	Sch. 23 para. 2(8) repealed by Residential Homes Act 1980 (c. 7, SIF 81:1) , s. 11(5), Sch. 2
F6	Sch. 23 para. 2(9) repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. X Gp. 1 .
F7	Sch. 23 para. 2(12) repealed by Public Health (Control of Disease) Act 1984 (c. 22, SIF 100:1) , s. 78, Sch. 3
Marginal Citations	
M1	1948 c. 29 .

^{F83}

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Textual Amendments

F8 Sch. 23 para. 3 repealed by Child Care Act 1980 (c. 5), s. 89(3), Sch. 6

^{F9}4

Textual Amendments

F9 Sch. 23 para. 4 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(2), Sch. 15 art.3(2)

^{F10}5

Textual Amendments

F10 Sch. 23 para. 5 repealed by National Health Service Act 1977 (c. 49, SIF 113:2), s. 129, Sch. 16

- 6 (1) In section 3 of the ^{M2}Disabled Persons (Employment) Act 1958, in subsection (1), for the words “shall have power under this section to” there shall be substituted the words “ may, with the approval of the Secretary of State, and to such extent as he may direct in relation to persons ordinarily resident in the authority’s area shall ” and the words from “and in relation to” to the end of the subsection shall be omitted in subsection (3) of that section the words from the beginning to “made thereunder” shall be omitted ; and in subsection (5) of that section for the words “or of a county borough” there shall be substituted the words “ other than a metropolitan county, or of a metropolitan district or London borough or the Common Council of the City of London ”.
- (2) In the Schedule, in paragraph 1(1)(c), for the words “thirty-two and thirty-four” there shall be substituted the words “ and 32 ” and in paragraph 1(2) the words “thirty-four” shall be omitted.

Marginal Citations

M2 1958 c. 33.

^{F11}7

Textual Amendments

F11 Sch. 23 para. 7 repealed by Foster Children Act 1980 (c. 6), s. 23(3), Sch. 3

^{F12}8

Textual Amendments

F12 Sch. 23 para. 8 repealed by Adoption Act 1976 (c. 36, SIF 49:11), s. 73(3), Sch. 4

- 9 [^{F13}(1) In the ^{M3}Mental Health Act 1959, in sections 8(1), ^{F14} . . . for the words “local health authorities” there shall be substituted the words “ local social services authorities ”.]

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(2) In sections ^{F15} . . . , 131, ^{F15} . . . and 142 of that Act for the words “local health authority” there shall be substituted the words “ local social services authority ”.

^{F16}(3)

^{F17}(4)

Textual Amendments

- F13** Sch. 23 para 9(1) repealed (*prosp.*) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 66(2), 67(2), **Sch. 10**
- F14** Words repealed by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 6**
- F15** Words repealed by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 6**
- F16** Sch. 23 para. 9(3) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 108(2), **Sch. 15**;art.3(2)
- F17** Sch. 23 para. 9(4)–(6) repealed by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 6**

Marginal Citations

- M3** 1959 c. 72.

^{F18}10

Textual Amendments

- F18** Sch. 23 para. 10 repealed by Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22, SIF 49:3), s. 89(2), **Sch. 3**

11 ^{F19}

Textual Amendments

- F19** Sch. 23 para. 11 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), {Sch. 1 Pt. 10 Group 1}

^{F20}12

Textual Amendments

- F20** Sch. 23 para. 12 repealed by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 30, **Sch. 10**

^{F21}13

Textual Amendments

- F21** Sch. 23 para. 13 repealed by Matrimonial Causes Act 1973 (c. 18), **Sch. 3**

^{F22}14

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Textual Amendments

F22 Sch. 23 para. 14 repealed by Supplementary Benefits Act 1976 (c. 71, SIF 113:1), s. 35(3), **Sch. 8**

15 ^{F23}(1)

(3) In section 45(11) of that Act, for the words “county borough” there shall be substituted the words “ other than a metropolitan county, or of a metropolitan district ”.

(4) In section 65(3)(a) of that Act, for the words “county borough” there shall be substituted the words “ other than a metropolitan county, or of a metropolitan district ”.

Textual Amendments

F23 Sch. 23 para. 15(1)(2) repealed by National Health Service Act 1977 (c. 49, SIF 113:2), s. 129, **Sch. 16**

16 In section 70(1) of the ^{M4}Children and Young Persons Act 1969, in the definition of “local authority”, for the words “means the council of a county, county borough” there shall be substituted the words “ except in relation to proceedings under section I of this Act instituted by a local education authority, means the council of a non-metropolitan county or of a metropolitan district ”.

Marginal Citations

M4 1969 c. 54.

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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):

- s. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)