



# National Assistance Act 1948

## 1948 CHAPTER 29

### PART III

#### LOCAL AUTHORITY SERVICES.

##### *Provision of Accommodation.*

#### **21 Duty of local authorities to provide accommodation.**

- (1) It shall be the duty of every local authority, subject to and in accordance with the provisions of this Part of this Act, to provide—
  - (a) residential accommodation for persons who by reason of age, infirmity or any other circumstances are in need of care and attention which is not otherwise available to them;
  - (b) temporary accommodation for persons who are in urgent need thereof, being need arising in circumstances which could not reasonably have been foreseen or in such other circumstances as the authority may in any particular case determine.
- (2) In the exercise of their said duty a local authority shall have regard to the welfare of all persons for whom accommodation is provided, and in particular to the need for providing accommodation of different descriptions suited to different descriptions of such persons as are mentioned in the last foregoing subsection.
- (3) A local authority shall exercise their functions under this section in accordance with a scheme made thereunder.
- (4) Accommodation provided by a local authority in the exercise of their said functions shall be provided in premises managed by the authority or, to such extent as may be specified in the scheme under this section, in such premises managed by another local authority as may be agreed between the two authorities and on such terms, including terms as to the reimbursement of expenditure incurred by the said other authority, as may be so agreed.

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- (5) References in this Act to accommodation provided under this Part thereof shall be construed as references to accommodation provided in accordance with this and the five next following sections, and as including references to board and other services, amenities and requisites provided in connection with the accommodation except where in the opinion of the authority managing the premises their provision is unnecessary.
- (6) References in this Act to a local authority providing accommodation shall be construed, in any case where a local authority agree with another local authority for the provision of accommodation in premises managed by the said other authority, as references to the first-mentioned local authority.
- (7) Without prejudice to the generality of the foregoing provisions of this section, a local authority may—
- (a) provide, in such cases as they may consider appropriate, for the conveyance of persons to and from premises in which accommodation is provided for them under this Part of the Act;
  - (b) themselves provide on the premises in which accommodation is being provided such health services, not being specialist services or services of a kind normally provided only on admission to a hospital, as appear to the authority requisite and as may be specified in the scheme under this section;
  - (c) arrange for the provision on the premises of local health services.

In this subsection the expression " local health services " means the like services as are provided under Part III of the National Health Service Act, 1946, or of the National Health Service (Scotland) Act, 1947, for persons in their own homes; and a local health authority for the purposes of the said Part III shall by virtue of this subsection have power to provide any local health services to which arrangements under this subsection relate.

- (8) Save as provided in the last foregoing subsection, nothing in this section shall authorise or require a local authority to make any provision authorised or required to be made (whether by that or by any other authority) by or under any enactment not contained in this Part of this Act.

## **22 Charges to be made for accommodation.**

- (1) Persons for whom accommodation is provided under this Part of this Act shall pay for the accommodation in accordance with the following provisions of this section.
- (2) Subject to the following provisions of this section, the payment for any such accommodation shall be in accordance with a standard rate fixed for that accommodation by the authority managing the premises in which it is provided.
- (3) Where a person for whom accommodation in premises managed by any local authority is provided, or proposed to be provided, under this Part of this Act satisfies the local authority that he is unable to pay therefor at the standard rate, the authority shall assess his ability to pay (apart from any supplementation of his resources which he will receive under Part II of this Act), and accordingly determine at what lower rate he shall be liable to pay for the accommodation:

Provided that the liability shall in no case be reduced below such sum per week as may be prescribed by the Minister.

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- (4) In assessing for the purposes of the last foregoing subsection a person's ability to pay, a local authority shall assume that he will need for his personal requirements such sum per week as may be prescribed by the Minister, or such other sum as in special circumstances the authority may consider appropriate.
- (5) In assessing as aforesaid a person's ability to pay, a local authority shall give effect to the relevant provisions of the Second Schedule to this Act.
- (6) Where temporary accommodation is provided for a person for less than a week, or it appears to the authority managing the premises in which temporary accommodation is being provided for a person that by reason of special circumstances charges therefor cannot appropriately be made in accordance with the provisions of subsections (2) and (3) of this section, those provisions shall not apply but the said person shall pay for the accommodation at such rate as the local authority may determine.
- (7) Where accommodation is provided for a child accompanied by a person over the age of sixteen, the foregoing provisions of this section shall have effect subject to the following modifications:—
  - (a) in respect of the accommodation provided for the child payment shall be made by the person by whom the child is accompanied,
  - (b) the personal requirements of the child shall be treated as personal requirements of the person by whom the child is accompanied, and for the purposes of subsection (4) of this section the fact that that person is accompanying the child may be treated as special circumstances.
- (8) Where accommodation is provided by a local authority in premises managed by another local authority, the payment therefor under this section shall be made to the authority managing the premises and not to the authority providing accommodation, but the authority managing the premises shall account for the payment to the authority providing the accommodation.
- (9) Where the whole or part of a liability arising under this section is taken into account by the Board in making an assistance grant, and the person receiving the grant fails to pay any sum due from him under this section, the Board may, in lieu of issuing the whole of the grant to the person to whom it is made, issue to the local authority concerned, in or towards the satisfaction of the liability, so much of the grant as relates to that liability.

## **23 Management of premises in which accommodation provided.**

- (1) Subject to the provisions of this Part of this Act, a local authority may make rules as to the conduct of premises under their management in which accommodation is provided under this Part of this Act and as to the preservation of order in the premises.
- (2) Rules under this section may provide that where by reason of any change in a person's circumstances he is no longer qualified to receive accommodation under this Part of this Act or where a person has otherwise become unsuitable therefor, he may be required by the local authority managing the premises to leave the premises in which the accommodation is provided.
- (3) Rules under this section may provide for the waiving of part of the payments due under the last foregoing section where in compliance with the rules persons for whom accommodation is provided assist in the running of the premises.

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## **24 Authority liable for provision of accommodation.**

- (1) The local authority liable under this Part of this Act to provide residential accommodation for any person shall subject to the following provisions of this Part of this Act be the authority in whose area the person is ordinarily resident
- (2) The local authority liable under this Part of this Act to provide temporary accommodation for any person shall be the authority in whose area the person is.
- (3) Where a person in the area of a local authority—
  - (a) is a person with no settled residence, or
  - (b) not being ordinarily resident in the area of the local authority, is in urgent need of residential accommodation under this Part of this Act,the authority shall have the like duty to provide residential accommodation for him as if he were ordinarily resident in their area.
- (4) Subject to and in accordance with the scheme under section twenty-one of this Act, a local authority shall have power, as respects a person ordinarily resident in the area of another local authority, with the consent of that other authority to provide residential accommodation for him in any case where the authority would have a duty to provide such accommodation if he were ordinarily resident in their area.
- (5) Where a person is provided with residential accommodation under this Part of this Act, he shall be deemed for the purposes of this Act to continue to be ordinarily resident in the area in which he was ordinarily resident immediately before the residential accommodation was provided for him.

## **25 Power of Board to require provision of accommodation in urgent cases.**

- (1) Where the Board are satisfied that a person in the area of a local authority is in urgent need of accommodation under this Part of this Act, the Board may require the local authority to provide such accommodation for him.
- (2) Notwithstanding anything in section twenty-three of this Act or the rules made thereunder, where accommodation is being provided for a person in compliance with a requirement under the last foregoing subsection, he shall not be required to leave the premises in which the accommodation is provided except with the consent of the Board or, where the Board refuse to give consent, with the consent of the Appeal Tribunal.
- (3) Where a local authority are aggrieved by any requirement made by the Board under subsection (1) of this section, the authority may, but without prejudice to their duty to comply with the requirement in the meanwhile, appeal to the Appeal Tribunal, and on any such appeal the Tribunal may cancel or confirm the requirement of the Board.

## **26 Provision of accommodation in premises maintained by voluntary organisations.**

- (1) Notwithstanding anything in the foregoing provisions of this Part of this Act, a scheme under section twenty-one thereof may provide for the making by a local authority, in lieu or in supplementation of the provision of accommodation in premises managed by them or another local authority, of arrangements with a voluntary organisation managing any premises for the provision of accommodation in those premises.
- (2) Any such arrangements as aforesaid shall provide for the making by the local authority to the organisation of payments in respect, of the accommodation provided at such rates as may be determined by or under the arrangements.

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- (3) A person for whom accommodation is provided under any such arrangements shall, in lieu of being liable to make payment therefor in accordance with section twenty-two of this Act, refund to the local authority any payments made in respect of him under the last foregoing subsection:

Provided that where a person for whom accommodation is provided, or proposed to be provided, under any such arrangements satisfies the local authority that he is unable to make a refund at the full rate determined under that subsection, subsections (3) to (5) of section twenty-two of this Act shall, with the necessary modifications, apply as they apply where a person satisfies the local authority of his inability to pay at the standard rate as mentioned in the said subsection (3).

- (4) Subsections (6), (7) and (9) of the said section twenty-two shall, with the necessary modifications, apply for the purposes of the last foregoing subsection as they apply for the purposes of the said section twenty-two.
- (5) Where in any premises accommodation is being provided under subsection (1) of this section in accordance with arrangements made by -any local authority, any person authorised in that behalf -by the authority may at all reasonable times enter and inspect the premises.
- (6) A local authority may make contributions to the funds of any voluntary organisation providing, or proposing to provide, accommodation for the like purposes as accommodation provided by a local authority under the foregoing provisions of this Part of this Act.
- (7) In this section the expression "voluntary organisation" includes any association which is a housing association for the purposes of the Housing Act, 1936, or the Housing (Scotland) Acts, 1925 to 1946.

## **27 Investigation of resources etc. by Board.**

A local authority may refer to the Board for investigation any question arising as to the resources or other circumstances of a person applying for accommodation under this Part of this Act or for whom such accommodation is being provided.

## **28 Exchequer contributions to local authorities.**

- (1) Subject to the provisions of this section, the Minister shall make annual contributions to local authorities in respect of premises provided by them for the purposes of the foregoing provisions of this Part of this Act, being premises provided in accordance with proposals approved by the Minister and used in accordance with any conditions subject to which the proposals were approved.
- (2) It shall be a condition of the making of contributions under this section in respect of any premises—
- (a) that the premises are for the time being used or available for the provision therein of accommodation under this Part of this Act; and either
  - (b) that the construction of the premises, and of any other premises forming part of the same building, was begun on or after the thirty-first day of October, 1947; or
  - (c) that the premises were acquired on or after that day.

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- (3) Annual contributions under this section in respect of any premises falling within paragraph (b) of the last foregoing subsection shall be made for such period not exceeding sixty years as the Minister may determine, being a period beginning with the completion of the premises, and shall be of the following amounts, that is to say—
- (a) in respect of each single bedroom comprised in the premises which is intended for the provision of accommodation under this Part of this Act, the sum of seven pounds ten shillings;
  - (b) in respect of each other bedroom comprised in the premises which is intended for the provision of accommodation under this Part of this Act, such sum not exceeding six pounds ten shillings as may be prescribed by the Minister, multiplied by the number of persons for whose occupation the room is intended.
- (4) Annual contributions under this section in respect of any premises falling within paragraph (c) of subsection (2) thereof shall be made for such period not exceeding sixty years as the Minister may determine, being a period beginning with the time when the adaptation of the premises was completed, or if no adaptation was required with the date of the acquisition of the premises, and shall be of an amount not exceeding the amount specified in paragraphs (a) and (b) of the last foregoing subsection and not exceeding two-thirds of the difference between—
- (a) the estimated average annual payments falling to be made by the local authority in question in respect of the charges on account of loans raised by the authority for the purpose of acquiring or adapting the premises, or which would have fallen to be so made if the sums expended by the local authority for the said purpose had been raised by means of loans, and
  - (b) such sum as may be prescribed by the Minister multiplied by the number of persons for whose accommodation under this Part of this Act provision is made in the premises.
- The sum to be prescribed for the purposes of paragraph (b) of this subsection shall be of an amount equal to fifty-two times such part of the sum prescribed under the proviso to subsection (3) of section twenty-two of this Act as may be determined by the Minister to represent payment in respect of the use of the premises.
- (5) In the last foregoing subsection references to adaptation are references to adaptation for the provision of accommodation under this Part of this Act, and do not include references to any adaptation carried out after the premises in question have been brought into use for the provision of such accommodation.
- (6) Where a local authority enters into arrangements under section twenty-six of this Act with any such association as is mentioned in subsection (7) of that section, the local authority shall be entitled to receive the like contributions (if any) under this section in respect of any premises to which the arrangements relate as if the premises had been provided by the local authority, but where a local authority receive contributions by virtue of this subsection as respects any year the local authority shall as respects that year make under subsection (6) of the said section twenty-six contributions to the association of amounts not less than the contributions under this section received by the authority.
- (7) Where at any time after the coming into operation of this section the Minister proposes to make an order under section sixteen of the Housing (Financial and Miscellaneous Provisions) Act, 1946 (which, provides for the periodical review of contributions under the Housing Acts, 1936 to 1946) he shall consider the relation of the foregoing

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provisions of this section to the provisions as to contributions of the Housing Acts, 1936 to 1946, and an order under the said section sixteen may provide, in relation to contributions under this section or any class of such contributions, for reducing the amount of the contributions or the period for which they are payable, or both that amount and that period, to such extent, if any, as appears to the Minister to be requisite having regard to any reduction to be effected by the order of contributions under the said Acts of 1936 to 1940 and of the number of years for which those contributions are to be paid.

- (8) In the application of this section to Scotland—
- (a) subsection (1) shall have effect as if at the end thereof there were added the following proviso—

“Provided that no contribution shall be payable under this subsection in respect of any premises in respect of which a contribution is payable by the Secretary of State under any other enactment”;
  - (b) for the references in subsection (3) to seven pounds ten shillings and to six pounds ten shillings there shall be substituted respectively references to eleven pounds and to nine pounds ten shillings;
  - (c) for the references to the Housing (Financial and Miscellaneous Provisions) Act, 1946, and to section sixteen thereof there shall be respectively substituted references to the Housing (Financial Provisions) (Scotland) Act, 1946, and to section fourteen thereof;
  - (d) for the references to the Housing Acts, 1936 to 1946, there shall be substituted references to the Housing (Scotland) Acts, 1925 to 1946.

*Welfare Services.*

**29 Welfare arrangements for blind, deaf, dumb and crippled persons, etc.**

- (1) A local authority shall have power to make arrangements for promoting the welfare of persons to whom this section applies, that is to say persons who are blind, deaf or dumb, and other persons who are substantially and permanently handicapped by illness, injury, or congenital deformity or such other disabilities as may be prescribed by the Minister.
- (2) In relation to persons ordinarily resident in the area of a local authority the authority shall, to such extent as the Minister may direct, be under a duty to exercise their powers under this section.
- (3) The arrangements made by a local authority under this section shall be carried into effect in accordance with a scheme made thereunder.
- (4) Without prejudice to the generality of the provisions of subsection (1) of this section, arrangements may be made thereunder—
  - (a) for informing persons to whom arrangements under that subsection relate of the services available for them thereunder;
  - (b) for giving such persons instruction in their own homes or elsewhere in methods of overcoming the effects of their disabilities;
  - (c) for providing workshops where such persons may be engaged (whether under a contract of service or otherwise) in suitable work, and hostels where persons engaged in the workshops, and other persons to whom arrangements under subsection (1) of this section relate and for whom work or training is being

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- provided in pursuance of the Disabled Persons (Employment) Act, 1944, may live;
- (d) for providing persons to whom arrangements under subsection (1) of this section relate with suitable work (whether under a contract of service or otherwise) in their own homes or elsewhere;
  - (e) for helping such persons in disposing of the produce of their work;
  - (f) for providing such persons with recreational facilities in their own homes or elsewhere;
  - (g) for compiling and maintaining classified registers of the persons to whom arrangements under subsection (1) of this section relate.
- (5) A local authority may recover from persons availing themselves of any service provided under this section such charges (if any) as, having regard to the cost of the service, the authority may determine, whether generally or in the circumstances of any particular case.
- (6) Nothing in the foregoing provisions of this section shall authorise or require—
- (a) the payment of money to persons to whom this section applies, other than persons for whom work is provided under arrangements made by virtue of paragraph (c) or paragraph (d) of subsection (4) of this section or who are engaged in work which they are enabled to perform in consequence of anything done in pursuance of arrangements made under this section; or
  - (b) the provision of any accommodation or services required to be provided under the National Health Service Act, 1946, or the National Health Service (Scotland) Act, 1947.
- (7) A person engaged in work in a workshop provided under paragraph (c) of subsection (4) of this section, or a person in receipt of a superannuation allowance granted on his retirement from engagement in any such workshop, shall be deemed for the purposes of this Act to continue to be ordinarily resident in the area in which he was ordinarily resident immediately before he became engaged in the work.

### **30 Voluntary organisations for disabled persons' welfare.**

- (1) A local authority may, if the scheme under the last foregoing section so provides, employ as their agent for the purposes of that section any voluntary organisation for the time being registered in accordance with this Act being an organisation having for its sole or principal object or among its principal objects the promotion of the welfare of persons to whom the last foregoing section applies.
- (2) A local authority may make contributions to the funds of any such organisation as is referred to in the last foregoing subsection.
- (3) Section one hundred and two of the Local Government Act, 1929, and section sixty-four of the Local Government (Scotland) Act, 1929 (which sections so far as still in force provide for the making of schemes for contribution by local authorities to voluntary associations providing services for the welfare of the blind) shall cease to have effect.



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### **31 Contributions to old people's organisations.**

A local authority may make contributions to the funds of any voluntary organisation whose activities consist in or include the provision of recreation or meals for old people.

*Financial adjustments between Local Authorities.*

### **32 Adjustments between authority providing accommodation, etc., and authority of area of residence.**

- (1) Any expenditure which apart from this section would fall to be borne by a local authority—
  - (a) in the provision under this Part of this Act of accommodation for a person ordinarily resident in the area of another local authority, or
  - (b) in the provision under section twenty-nine of this Act of services for a person ordinarily so resident, or
  - (c) in providing under paragraph (a) of subsection (7) of section twenty-one of this Act for the conveyance of a person ordinarily resident as aforesaid,shall be recoverable from the said other local authority.
- (2) For the purposes of paragraph (a) of the last foregoing subsection it shall be assumed that the expenditure incurred by a local authority in providing accommodation for any person is, as respects accommodation provided in premises managed by a local authority, at the rate for the time being fixed for that accommodation under subsection (2) of section twenty-two of this Act, and, as respects accommodation provided pursuant to an arrangement made under section twenty-six of this Act, at the rate referred to in subsection (2) of that section.
- (3) Any question arising under this Part of this Act as to the ordinary residence of a person shall be determined by the Minister.

*Local and Central Authorities.*

### **33 Local Authorities for purposes of Part III.**

- (1) In this Part of this Act the expression " local authority " means the council of a county or county borough in England or Wales, and the council of a county or of a large burgh in Scotland:

Provided that in section thirty-one of this Act the said expression means as respects England and Wales any such council as is specified in the definition of the said expression in section sixty-four of this Act, and as respects Scotland a county, town or district council.
- (2) The provisions of the Third Schedule to this Act shall have effect with respect to the establishment of committees and joint boards for the purposes of this Part of this Act.

### **34 Provisions as to local authority schemes.**

- (1) The following provisions of this section shall have effect as to schemes made under section twenty-one or twenty-nine of this Act.

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- (2) Subject to the provisions of this section, any such scheme shall be made by the local authority and submitted to the Minister, and shall come into force when approved by him.
- (3) Not later than the date on which any such scheme is submitted to the Minister by the council of a county, that council shall send a copy of the scheme—
- (a) in the case of London to the Common Council of the City of London and to the council of each metropolitan borough;
  - (b) in the case of any other county, to the council of each county district in the county;
- and the Minister before approving the scheme shall take into consideration any representations by any such council as is referred to in paragraph (a) or (b) of this subsection made with respect to the scheme within one month from the date on which it was submitted to the Minister.
- (4) The Minister may approve any such scheme submitted to him either in the form in which it is submitted or with such modifications as he thinks fit.
- (5) Any scheme under either of the said sections may be varied or revoked by a subsequent scheme thereunder, and the provisions of the three last foregoing subsections shall apply to such a varying or revoking scheme.
- (6) Where in the case of any local authority—no scheme is for the time being in force for the exercise of their functions under section twenty-one of this Act, or for the exercise of any powers under section twenty-nine of this Act which the authority are under a duty to exercise, the Minister may require the authority, within such time as he may specify, to submit such a scheme to him for his approval, and if the authority—
- (a) fail to comply with the requirement, or
  - (b) submit a scheme which appears to the Minister not proper to be approved by him either as submitted or with modifications,
- the Minister may himself make a scheme for the exercise of the said functions or powers by the local authority.
- (7) Where it appears to the Minister that by reason of a change of circumstances it is expedient that any scheme for the exercise by a local authority of their functions under section twenty-one or twenty-nine of this Act should be varied, the Minister may require the authority, within such time as he may specify, to submit to him for his approval a scheme for varying the first-mentioned scheme in such respects as may be specified in the requirement, and if the local authority fail to comply with the requirement the Minister may himself make the varying scheme.
- (8) This section shall have effect in its application to Scotland as if for subsection (3) the following subsection were substituted:—
- “(3) Not later than the date on which any scheme made under section twenty-one of this Act is submitted to the Minister by the council of a county, the council shall send a copy of the scheme to the town council of each small burgh in the county and the Minister before approving the scheme shall take into consideration any representations by any such town council made with respect to the scheme within one month from the date on which it was submitted to the Minister.”

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### **35 Central Authority for purposes of Part III.**

- (1) For the purposes of this Part of this Act the expression " the Minister " means the Minister of Health as respects England and Wales, and the Secretary of State as respects Scotland.
- (2) Subject to the provisions of schemes under this Part of this Act, local authorities shall exercise their functions under this Part of this Act (including any discretion conferred on them thereunder) under the general guidance of the Minister, and in accordance with the provisions of any regulations of the Minister made for the purposes of this subsection.
- (3) Without prejudice to the generality of the last foregoing subsection, regulations thereunder—
  - (a) may provide for conferring on officers of the Minister authorised under the regulations such powers of inspection as may be prescribed in relation to the exercise of functions under this Part of this Act by or by arrangement with or on behalf of local authorities;
  - (b) may prescribe requirements as to the provision to be made in rules for the conduct of, and preservation of order in, premises in which accommodation is provided under this Part of this Act by local authorities;
  - (c) may make provision with respect to the qualifications of officers employed by local authorities for the purposes of this Part of this Act or by voluntary organisations acting under arrangements with or on behalf of local authorities for those purposes.

### **36 Default powers of Minister.**

- (1) Where the Minister is of opinion, whether on representations made to him or otherwise, that a local authority have failed to discharge any of their functions under this Part of this Act, or have in the discharge thereof failed to comply with any regulations relating thereto, he may after such inquiry as he may think fit make an order declaring the authority to be in default.
- (2) An order under the last foregoing subsection shall direct the authority, for the purpose of remedying the default, to discharge such of their functions, in such manner and within such time or times, as may be specified in the order; and if the authority fail to comply with any direction given under this subsection within the time specified in the order, then without prejudice to any other means of enforcing the order the Minister may make an order transferring to himself such of the functions of the authority as he thinks fit.
- (3) Any expenses certified by the Minister to have been incurred by him in discharging functions transferred to him under this section shall on demand be paid to him by the authority from which the functions were transferred.
- (4) An authority shall have the like power of raising money required for paying expenses certified by the Minister as aforesaid as they have of raising money for paying expenses incurred directly by them, and the payment of any expenses certified as aforesaid shall, to such extent as may be sanctioned by the Minister, be a purpose for which the authority may borrow money in accordance with the statutory provisions relating to borrowing by that authority.

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- (5) An order under this section may contain such incidental or supplemental provisions as appear to the Minister to be necessary or expedient, including provision for the transfer to the Minister of property and liabilities of the authority in default.
- (6) Where any such order is varied or revoked by a subsequent order, the revoking order or a subsequent order may make provision for the re-transfer to the authority in default of any property or liabilities transferred from that authority to the Minister under the first-mentioned order and for the transfer to that authority of any property or liabilities acquired or incurred by the Minister in discharging any of the functions transferred to him.