



Chronically Sick and Disabled Persons Act 1970

1970 CHAPTER 44

Welfare and housing

1 Information as to need for and existence of welfare services.

- (1) [^{F1}It shall be the duty of every local authority having functions under section 29 of the ^{M1}National Assistance Act 1948 to inform themselves of the number of persons to whom that section applies within their area and of the need for the making by the authority of arrangements under that section for such persons.]
 - (2) [^{F1}Every such local authority—
 - (a) shall cause to be published from time to time at such times and in such manner as they consider appropriate general information as to the services provided under arrangements made by the authority under the said section 29 which are for the time being available in their area; and
 - (b) shall ensure that any such person as aforesaid who uses any of those services is informed of [^{F2}any other service provided by the authority (whether under any such arrangements or not)] which in the opinion of the authority is relevant to his needs [^{F3}and of any service provided by any other authority or organisation which in the opinion of the authority is so relevant and of which particulars are in the authority's possession.]]
 - (3) This section shall come into operation on such date as the Secretary of State may by order made by statutory instrument appoint.
- [^{F4}(4) Subsection (5) applies to local authorities in England.
- (5) A local authority must ensure that any disabled child who uses services which are provided under arrangements made by the authority under Part 3 of the Children Act 1989 is informed—
 - (a) of any other service provided by the authority (whether or not under those arrangements) which in the authority's opinion is relevant to the child's needs, and

Changes to legislation: There are currently no known outstanding effects for the Chronically Sick and Disabled Persons Act 1970, Cross Heading: Welfare and housing. (See end of Document for details)

- (b) of any service provided by another authority or organisation which in the authority's opinion is relevant to the child's needs and which the authority have details of.]

Subordinate Legislation Made

- P1** S. 1(3) power exercised: 1.10.1971 appointed for England and Wales by [S.I. 1971/698](#) and 1.10.1972 appointed for Scotland by [S.I. 1972/1420](#)

Textual Amendments

- F1** S. 1(1)(2) omitted (E.W.) (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **26**
- F2** Words substituted by [Disabled Persons \(Services, Consultation and Representation\) Act 1986 \(c. 33, SIF 113:1\)](#), s. **9(a)**
- F3** Words inserted by [Disabled Persons \(Services, Consultation and Representation\) Act 1986 \(c. 33, SIF 113:1\)](#), s. **9(b)**
- F4** S. 1(4)(5) inserted (1.4.2015) by [The Care Act 2014 and Children and Families Act 2014 \(Consequential Amendments\) Order 2015 \(S.I. 2015/914\)](#), art. 1(2), **Sch. para. 20** (with arts. 1(3), 3); [S.I. 2015/993](#), art. 2

Modifications etc. (not altering text)

- C1** S. 1 extended by [Local Authority Social Services Act 1970 \(c. 42\)](#), s. 2(1), **Sch. 1**.

Marginal Citations

- M1** 1948 c. 29.

2 Provision of welfare services.

- (1) [^{F5}Where a local authority having functions under section 29 of the ^{M2}National Assistance Act 1948 are satisfied in the case of any person to whom that section applies who is ordinarily resident in their area that it is necessary in order to meet the needs of that person for that authority to make arrangements for all or any of the following matters, namely—
- (a) the provision of practical assistance for that person in his home;
 - (b) the provision for that person of, or assistance to that person in obtaining, wireless, television, library or similar recreational facilities;
 - (c) the provision for that person of lectures, games, outings or other recreational facilities outside his home or assistance to that person in taking advantage of educational facilities available to him;
 - (d) the provision for that person of facilities for, or assistance in, travelling to and from his home for the purpose of participating in any services provided under arrangements made by the authority under the said section 29 or, with the approval of the authority, in any services provided otherwise than as aforesaid which are similar to services which could be provided under such arrangements;
 - (e) the provision of assistance for that person in arranging for the carrying out of any works of adaptation in his home or the provision of any additional facilities designed to secure his greater safety, comfort or convenience;

Changes to legislation: There are currently no known outstanding effects for the Chronically Sick and Disabled Persons Act 1970, Cross Heading: Welfare and housing. (See end of Document for details)

- (f) facilitating the taking of holidays by that person, whether at holiday homes or otherwise and whether provided under arrangements made by the authority or otherwise;
- (g) the provision of meals for that person whether in his home or elsewhere;
- (h) the provision for that person of, or assistance to that person in obtaining, a telephone and any special equipment necessary to enable him to use a telephone,

then, . . . ^{F6} subject [^{F7} to the provisions of section 35(2) of that Act (which requires local authorities to exercise their functions under Part III of that Act . . . ^{F8} in accordance with the provisions of any regulations made for the purpose) and] [^{F9} to the provisions of section 7(1) of the ^{M3}Local Authority Social Services Act 1970 (which requires local authorities in the exercise of certain functions, including functions under the said section 29, to act under the general guidance of the Secretary of State) [^{F10} and to the provisions of section 7A of that Act (which requires local authorities to exercise their social services functions in accordance with directions given by the Secretary of State)]] it shall be the duty of that authority to make those arrangements in exercise of their functions under the said section 29.]

^{F11} [^{F12}(1A)]

(2) ^{F13}

[^{F14}(3) Subsections (4) to (6) apply to local authorities in England.

- (4) Where a local authority have functions under Part 3 of the Children Act 1989 in relation to a disabled child and the child is ordinarily resident in their area, they must, in exercise of those functions, make any arrangements within subsection (6) that they are satisfied it is necessary for them to make in order to meet the needs of the child.
- (5) Subsection (4) is subject to sections 7(1) and 7A of the Local Authority Social Services Act 1970 (exercise of social services functions subject to guidance or directions of the Secretary of State).
- (6) The arrangements mentioned in subsection (4) are arrangements for any of the following—
 - (a) the provision of practical assistance for the child in the child's home;
 - (b) the provision of wireless, television, library or similar recreational facilities for the child, or assistance to the child in obtaining them;
 - (c) the provision for the child of lectures, games, outings or other recreational facilities outside the home or assistance to the child in taking advantage of available educational facilities;
 - (d) the provision for the child of facilities for, or assistance in, travelling to and from home for the purpose of participating in any services provided under arrangements made by the authority under Part 3 of the Children Act 1989 or, with the approval of the authority, in any services, provided otherwise than under arrangements under that Part, which are similar to services which could be provided under such arrangements;
 - (e) the provision of assistance for the child in arranging for the carrying out of any works of adaptation in the child's home or the provision of any additional facilities designed to secure greater safety, comfort or convenience for the child;

Changes to legislation: There are currently no known outstanding effects for the Chronically Sick and Disabled Persons Act 1970, Cross Heading: Welfare and housing. (See end of Document for details)

- (f) facilitating the taking of holidays by the child, whether at holiday homes or otherwise and whether provided under arrangements made by the authority or otherwise;
 - (g) the provision of meals for the child whether at home or elsewhere;
 - (h) the provision of a telephone for the child, or of special equipment necessary for the child to use one, or assistance to the child in obtaining any of those things.
- (7) Any question arising under this section as to a person's ordinary residence in an area in England or Wales is to be determined by the Secretary of State or by the Welsh Ministers.
- (8) The Secretary of State and the Welsh Ministers must make and publish arrangements for determining which cases are to be dealt with by the Secretary of State and which are to be dealt with by the Welsh Ministers.
- (9) Those arrangements may include provision for the Secretary of State and the Welsh Ministers to agree, in relation to any question that has arisen, which of them is to deal with the case.]

Textual Amendments

- F5** S. 2(1) omitted (E.W.) (6.4.2016) by virtue of The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **27**
- F6** Words repealed by Local Government Act 1972 (c. 70), **Sch. 30**
- F7** Words repealed (1.4.1991 (E.W.) and *prosp.* (S.): see S.I. 1990/2218, art. 2, Sch.) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 66(1)(2), 67(2), Sch. 9 para. 12, **Sch. 10**
- F8** Words repealed by Local Authority Social Services Act 1970 (c. 42), **Sch. 2 para. 12(1)**
- F9** Words inserted by Local Authority Social Services Act 1970 (c. 42), **Sch. 2 para. 12(1)**
- F10** Words inserted (1.4.1991 (E.W.) and *prosp.* (S.): see S.I. 1990/2218, art. 2, Sch.) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 66(1), 67(2), **Sch. 9 para. 12**
- F11** S. 2(1A) omitted (1.4.2015) by virtue of The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), **Sch. para. 21(2)** (with arts. 1(3), 3); S.I. 2015/993, art. 2
- F12** S. 2(1A) inserted (19.4.2010 for E., 19.4.2010 for W.) by Health and Social Care Act 2008 (c. 14), **ss. 148(3), 170(3), 170(4)**; S.I. 2010/708, art. 11 (with art. 12); S.I. 2010/989, art. 2 (with art. 4); S.I. 2010/708, art. 11 (with art. 12); S.I. 2010/989, art. 2 (with art. 4)
- F13** S. 2(2) repealed by Local Government Act 1972 (c. 70), **Sch. 30**
- F14** S. 2(3)-(9) inserted (1.4.2015) by The Care Act 2014 and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914), art. 1(2), **Sch. para. 21(3)** (with arts. 1(3), 3); S.I. 2015/993, art. 2

Modifications etc. (not altering text)

- C2** S. 2 extended by Local Authority Social Services Act 1970 (c. 42), s. 2(1), **Sch. 1**

Marginal Citations

- M2** 1948 c. 29.
M3 1970 c. 42.

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[^{F15}2A Welfare services: transition for children to adult care and support

- (1) Subsections (2) to (4) apply where a local authority in England making arrangements for a disabled child under section 2 are required by section 58(1) of the Care Act 2014 to carry out a child's needs assessment in relation to the child.
- (2) If the local authority carry out the assessment before the child reaches the age of 18 and decide to treat it as a needs assessment in accordance with section 59(6) of the Care Act 2014 (with Part 1 of that Act applying to the assessment as a result), the authority must continue to comply with section 2 after the child reaches the age of 18 until they reach a conclusion in his case.
- (3) If the local authority carry out the assessment before the child reaches the age of 18 but decide not to treat it as a needs assessment in accordance with section 59(6) of that Act—
 - (a) they must carry out a needs assessment after the child reaches the age of 18, and
 - (b) they must continue to comply with section 2 after he reaches that age until they reach a conclusion in his case.
- (4) If the local authority do not carry out the assessment before the child reaches the age of 18, they must continue to comply with section 2 after he reaches that age until—
 - (a) they decide that the duty under section 9 of the Care Act 2014 (needs assessment) does not apply, or
 - (b) having decided that the duty applies and having discharged it, they reach a conclusion in his case.
- (5) Subsection (6) applies where a local authority in England making arrangements for a disabled child under section 2—
 - (a) receive a request for a child's needs assessment to be carried out in relation to the child, but
 - (b) have yet to be required by section 58(1) of the Care Act 2014 to carry out the assessment.
- (6) If the local authority do not decide, before the child reaches the age of 18, whether or not to comply with the request, they must continue to comply with section 2 after he reaches that age until—
 - (a) they decide that the duty under section 9 of the Care Act 2014 does not apply, or
 - (b) having decided that the duty applies and having discharged it, they reach a conclusion in his case.
- (7) A local authority reach a conclusion in a person's case when—
 - (a) they conclude that he does not have needs for care and support,
 - (b) having concluded that he has such needs and that they are going to meet some or all of them, they begin to do so, or
 - (c) having concluded that he has such needs, they conclude that they are not going to meet any of those needs (whether because those needs do not meet the eligibility criteria or for some other reason).
- (8) In this section, “child's needs assessment”, “needs assessment” and “eligibility criteria” each have the same meaning as in Part 1 of the Care Act 2014.]

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Textual Amendments

- F15** S. 2A inserted (E.W.) (1.4.2015) by [Care Act 2014 \(c. 23\)](#), **ss. 66(3)**, 127(1); S.I. 2015/993, art. 2(q) (with transitional provisions in [S.I. 2015/995](#))

[^{F163} Duties of housing authorities.

- [A local housing authority in discharging their duty under section 8 of the Housing Act ^{F17}(1) 1985 to consider housing conditions in their district and the needs of their district and respect to the provision of further housing accommodation shall have regard to the special needs of chronically sick or disabled persons.
- (2) A local authority for the purposes of Part VII of the Housing (Scotland) Act 1966 in discharging their duty under section 137 of that Act to consider housing conditions in their district and the needs of their district with respect to the provision of further housing accommodation shall have regard to the special needs of chronically sick or disabled persons; and any proposals prepared and submitted to the Secretary of State by the authority under that section for the provision of new houses shall distinguish any houses which the authority propose to provide which make special provision for the needs of such persons.]]

Textual Amendments

- F16** S. 3 substituted by [Housing \(Consequential Provisions\) Act 1985 \(c. 71, SIF 61\)](#) s. 4, Sch. 2 para. 20
- F17** S. 3(1)(2) repealed (S.) by [Housing \(Scotland\) Act 1987 \(c. 26, SIF 61\)](#), s. 339(3), **Sch. 24**

Modifications etc. (not altering text)

- C3** S. 3(1): power to apply certain functions conferred (E.W.) by [Housing Act 1988 \(c. 50, SIF 61\)](#), **s. 65(2)(a)(4)**

Changes to legislation:

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