



Health and Social Care Act 2008

2008 CHAPTER 14

PART 5

MISCELLANEOUS

Social care

147 Abolition of maintenance liability of relatives

- (1) The following provisions cease to have effect—
- (a) section 43 of the National Assistance Act 1948 (c. 29) (recovery from liable relative of local authority's costs of assistance),
 - (b) in section 47(9) of that Act (liability of maintained person, or person's relatives, for expenditure incurred under section 47(8)), the words "or from any person who for the purposes of this Act is liable to maintain that person",
 - (c) in section 48(3) of that Act (liability of person in hospital etc., or person's relatives, for costs of protecting person's property), the words "or from any person who for the purposes of this Act is liable to maintain him,",
 - (d) in section 51(1) of that Act (offence where person fails to maintain himself or any person he is liable to maintain), the words "or any person whom he is liable to maintain for the purposes of this Act",
 - (e) in paragraph 19(1) of Schedule 6 to that Act (which ended a saved liability to maintain a person where there was no liability to maintain that person for the purposes of that Act), the words "whom he is not liable to maintain for the purposes of this Act",
 - (f) paragraph 19(2) of that Schedule (which gave continuing effect to certain saved liabilities not ended by paragraph 19(1)), and
 - (g) in section 46(5) of the Public Health (Control of Disease) Act 1984 (c. 22) (liability of person's estate, or person's relatives, for cost of burial or cremation under the section), the words "or from any person who for the purposes of the National Assistance Act 1948 was liable to maintain the deceased person immediately before his death".

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 147. (See end of Document for details)

- (2) In section 29(4A)(c) of the National Assistance Act 1948 (c. 29) (which provides for section 43 to apply where accommodation in a hostel is provided under section 29(4)(c)), for “sections 32 and 43 of this Act shall apply as they apply” substitute “section 32 shall apply as it applies”.
- (3) In section 51(1) of that Act, for “, himself or any other person” substitute “ him ”.
- (4) In section 87(3) of the Social Work (Scotland) Act 1968 (c. 49) (provision of accommodation treated as being under Part 3 of the National Assistance Act 1948), for the words from “(as amended”, where first occurring, to “etc.)” substitute “ (as amended by any enactment within the meaning of the Scotland Act 1998 (c. 46)) of the said Act of 1948 ”.
- (5) In Schedule 1 to the Local Authority Social Services Act 1970 (c. 42) (definition of “social services functions” for purposes of the 1970 Act), in the entry relating to sections 43 to 45 of the National Assistance Act 1948, for “Sections 43 to” substitute “ Section ”.
- (6) The provisions of this section have effect subject to, and in accordance with, Schedule 13.

Commencement Information

- I1** [S. 147](#) in force at 6.4.2009 except in relation to local authorities in W. by [S.I. 2009/462](#), [art. 4\(a\)](#)
- I2** [S. 147](#) in force at 6.4.2009 for W. by [S.I. 2009/631](#), [art. 2\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Health and Social Care Act 2008, Section 147.