



Mental Health Act 1959

1959 CHAPTER 72 7 and 8 Eliz 2

PART II

LOCAL AUTHORITY SERVICES

Modifications etc. (not altering text)

C1 Pt. II amended by [Local Authority Social Services Act 1970 \(c. 42\), s. 2\(1\), Sch. 1](#)

General Provisions

6, 7.^{F1}

Textual Amendments

F1 [Ss. 6, 7](#) repealed by [Health Services and Public Health Act 1968 \(c. 46\), s. 12\(7\), Sch. 4](#)

8 Functions of welfare authorities.

[^{F2}(1) For the purposes of subsection (8) of section twenty-one of the ^{M1}National Assistance Act 1948 (which restricts the duties of local authorities in respect of the provision of accommodation under that section by reference to the provision authorised or required to be made under other enactments) no account shall be taken of the provision authorised or required to be made by [^{F3}local social services authorities] under [^{F4}paragraph 2 of Schedule 8 to the ^{M2}National Health Service Act 1977], with respect to residential accommodation for persons who are or have been suffering from mental disorder.]

(2) [^{F5}The persons referred to in subsection (1) of section twenty-nine of the said Act of 1948 (which section enables local authorities to make arrangements for promoting the welfare of blind persons and other disabled persons described in the

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said subsection (1)) shall include mentally disordered persons of any description; and] for the purposes of subsection (6) of that section (which, among other things, excludes from that section the provision of accommodation or services required to be provided under the ^{M3}National Health Service Act 1946), no account shall be taken of the provisions of [^{F6}Schedule 8 to the ^{M4}National Health Service Act 1977], with respect to the provision of [^{F5}accommodation or]services for such persons.

[^{F2}(3) Subsection (2) of this section shall not affect the operation of the provisions of Part IV of the ^{M5}National Assistance Act 1948, relating to disabled persons' homes or charities for disabled persons, but without prejudice to the provisions of Part III of this Act with respect to the registration of such homes.]

(4) Nothing in this section shall be construed as requiring a local authority to make provision for the same purposes both under . . . ^{F7} Part III of the ^{M6}National Assistance Act 1948 [^{F8}and under Schedule 8 to the ^{M7}National Health Service Act 1977].

Textual Amendments

- F2** S. 8(1)(3) repealed (*prosp.*) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 66(2), 67(2), **Sch. 10**
- F3** Words substituted by Local Government Act 1972 (c. 70), **Sch. 23 para. 9(1)**
- F4** Words substituted by National Health Service Act 1977 (c. 49), s. 129, **Sch. 15 para. 24(1)**
- F5** Words repealed (*prosp.*) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 66(2), 67(2), **Sch. 10**
- F6** Words substituted by National Health Service Act 1977 (c. 49), s. 129, **Sch. 15 para. 24(2)**
- F7** Words repealed by National Health Service Act 1977 (c. 49), s. 129, **Sch. 16**
- F8** Words added by National Health Service Act 1977 (c. 49), s. 129, **Sch. 15 para. 24(3)**

Marginal Citations

- M1** 1948 c. 29.
- M2** 1977 c. 49.
- M3** 1946 c. 81.
- M4** 1977 c. 49.
- M5** 1948 c. 29.
- M6** 1948 c. 29.
- M7** 1977 c. 49.

^{F9}

Textual Amendments

- F9** S. 9 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1) and 27(4)); S.I. 1991/828, **art. 3(2)**

^{F129} **Functions of children authorities.** **E+W**

(1) [^{F13}A local social services authority] may accommodate in homes [^{F14}provided under section 38 of the ^{M8}Children and Young Persons Act 1969] any child who, not being in their care within the meaning of Part II of [^{F14}the ^{M9}Children Act 1948], is a person whose care or after-care is for the time being undertaken by that or any

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other authority . . . ^{F15} in pursuance of arrangements made under [^{F16}paragraph 2 of Schedule 8 to the ^{M10}National Health Service Act 1977], [^{F17}or under section twenty-seven of the ^{M11}National Health Service (Scotland) Act 1947] for the care or after-care of persons who are or have been suffering from mental disorder.

[Where any such child as is referred to in subsection (1) of this section is accommodated ^{F18}(2) as mentioned in that subsection by a local social services authority; the authority may make such adjustments of their accounts as they consider appropriate.]

(3) Nothing in this Act, or in any other enactment, shall be construed as preventing a [^{F13}local social services authority] from receiving into their care under section one of the ^{M12}Children Act 1948, a child who is mentally disordered, nor as preventing a [^{F13}local social services authority] from accommodating in pursuance of such arrangements as aforesaid any child who is in the care of that or any other authority . . . ^{F15}

(4) In this section “child” has the same meaning as in the ^{M13}Children Act 1948.]

Textual Amendments

- F12** S. 9 repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108(2)(7), **Sch. 15**
- F13** Words substituted by Local Government Act 1972 (c. 70), **Sch. 23 para. 9(3)**
- F14** Words substituted by Children and Young Persons Act 1969 (c. 54), **Sch. 5 para. 37**
- F15** Words repealed by Local Government Act 1972 (c. 70), **Sch. 30**
- F16** Words substituted by National Health Service Act 1977 (c. 49), s. 129, **Sch. 15 para. 25**
- F17** Words inserted by Mental Health (Scotland) Act 1960 (c. 61), **Sch. 4**
- F18** S. 9(2) substituted by Local Government Act 1972 (c. 70), **Sch. 23 para. 9(3)**

Marginal Citations

- M8** 1969 c. 54.
- M9** 1948 c. 43.
- M10** 1977 c. 49.
- M11** 1947 c. 27.
- M12** 1948 c. 43.
- M13** 1948 c. 43.

10 ^{F10}

Textual Amendments

- F10** Ss. 1–5, 10, 22, 25–35, 37–43, 45–60, 62–68, 70–76, 80, 81, 89, 90, 92–96, 99–119, 121–126, 129, 130, 132, 133, 135–141, 144(1)(b), 145(2), 147, 148, 149(3)–(5), 153, Schs. 1, 3, 5, Sch. 7 Pt. I entry relating to: ss. 48 and 49 of the Fines and Recoveries Act 1983 (c. 74, SIF 98:3), **Sch. 7 Part II** entries relating to: Polish Resettlement Act 1947 (c. 19), U.S.A. Veterans' Pensions (Administration) Act 1949 (c. 45) repealed by Mental Health Act 1983 (c. 20, SIF 85), **Sch. 6**

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Textual Amendments

F11 Ss. 11—13, Sch. 2 repealed by [Education \(Handicapped Children\) Act 1970 \(c. 52\)](#), [Sch.](#)

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Changes to legislation:

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