
STATUTORY INSTRUMENTS

2010 No. 708

**The Health and Social Care Act 2008 (Commencement
No. 15, Consequential Amendments and
Transitional and Savings Provisions) Order 2010**

PART 5

Provisions relating to ordinary residence for certain
purposes of the National Assistance Act 1948 etc.

Appointed day for provisions relating to ordinary residence for certain purposes relating to social care

11. 19th April 2010 is the day appointed for the coming into force of section 148 of the 2008 Act.

Transitional provision relating to ordinary residence for certain purposes relating to social care

12.—(1) The amendments made to section 24 of the National Assistance Act 1948⁽¹⁾ (authority liable for provision of accommodation) by section 148(1) of the 2008 Act do not have effect in relation to a person for whom non-hospital NHS accommodation is being provided immediately before the appointed day, for as long as the provision of that accommodation continues.

(2) For these purposes, “non-hospital NHS accommodation” is NHS accommodation that is elsewhere than at a hospital vested in—

- (a) the Secretary of State;
- (b) a Primary Care Trust;
- (c) a Local Health Board;
- (d) a National Health Service trust; or
- (e) an NHS foundation trust.

(3) The amendments made to section 2 of the Chronically Sick and Disabled Persons Act 1970⁽²⁾ (provision of welfare services) by section 148(3) of the 2008 Act do not have effect in relation to a question arising under that section 2 as to a person’s ordinary residence in a case where, on the appointed day, that question is the subject of court proceedings.

(4) In this article—

(1) 1948 c.29; section 24 was amended by: the National Assistance (Amendment) Act 1959 (c. 30), section 1(1); the Social Work (Scotland) Act 1968 (c. 49), Schedule 9, Part 1; the Housing (Homeless Persons) Act 1977 (c. 48), the Schedule; the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 5; S.I. 2000/90, Schedule 1, paragraph 2; the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedule 4, paragraphs 3 and 4; and the National Health Service (Consequential Provisions) Act 2006 (c. 43), Schedule 1, paragraphs 5 and 7(a).

(2) 1970 c. 44; section 2 was amended by: the Local Authority Social Services Act 1970 (c. 42), Schedule 2, paragraph 12; the Local Government Act 1972 (c. 70), Schedule 30; and the National Health Service and Community Care Act 1990, Schedule 9, paragraph 12, and Schedule 10.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“appointed day” means the day appointed under article 11; and

“NHS accommodation” has the meaning given by section 24(6A) of the National Assistance Act 1948⁽³⁾.

⁽³⁾ Section 24(6A) is inserted by section 148(1) of the Health and Social Care Act 2008.