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Chronically Sick and Disabled Persons Act 1970

CHAPTER 44

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ELIZABETH II



1970 CHAPTER 44

An Act to make further provision with respect to the welfare of chronically sick and disabled persons; and for connected purposes. [29th May 1970]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Welfare and housing

1.—(1) It shall be the duty of every local authority having functions under section 29 of the 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.

Information as to need for and existence of welfare services. 1948 c. 29.

(2) 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 any other of those services which in the opinion of the authority is relevant to his needs.

(3) This section shall come into operation on such date as the Secretary of State may by order made by statutory instrument appoint.

Provision
of welfare
services.
1948 c. 29.

2.—(1) Where a local authority having functions under section 29 of the 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;
- (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, notwithstanding anything in any scheme made by the authority under the said section 29, but subject to the provisions of section 35(2) of that Act (which requires local authorities to exercise their functions under Part III of that Act under the general guidance of the Secretary of State and in accordance with the provisions of any regulations made for the purpose), it shall be the duty of that authority to make those arrangements in exercise of their functions under the said section 29.

(2) Without prejudice to the said section 35(2), subsection (3) of the said section 29 (which requires any arrangements made by

a local authority under that section to be carried into effect in accordance with a scheme made thereunder) shall not apply—

- (a) to any arrangements made in pursuance of subsection (1) of this section; or
- (b) in the case of a local authority who have made such a scheme, to any arrangements made by virtue of subsection (1) of the said section 29 in addition to those required or authorised by the scheme which are so made with the approval of the Secretary of State.

3.—(1) Every local authority for the purposes of Part V of the Housing Act 1957 in discharging their duty under section 91 of that Act to consider housing conditions in their district and the needs of the 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 Minister 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.

Duties of housing authorities.
1957 c. 56.

(2) In the application of this section to Scotland for the words “Part V of the Housing Act 1957”, “91” and “Minister” there shall be substituted respectively the words “Part VII of the Housing (Scotland) Act 1966”, “137” and “Secretary of State”.

Premises open to public

4.—(1) Any person undertaking the provision of any building or premises to which the public are to be admitted, whether on payment or otherwise, shall, in the means of access both to and within the building or premises, and in the parking facilities and sanitary conveniences to be available (if any), make provision, in so far as it is in the circumstances both practicable and reasonable, for the needs of members of the public visiting the building or premises who are disabled.

Access to, and facilities at, premises open to the public.

(2) This section shall not apply to any building or premises intended for purposes mentioned in subsection (2) of section 8 of this Act.

5.—(1) Where any local authority undertake the provision of a public sanitary convenience, it shall be the duty of the authority, in doing so, to make provision, in so far as it is in the circumstances both practicable and reasonable, for the needs of disabled persons.

Provision of public sanitary conveniences.

(2) Any local authority which in any public sanitary convenience provided by them make or have made provision for the needs of disabled persons shall take such steps as may be reasonable, by sign-posts or similar notices, to indicate the whereabouts of the convenience.

1933 c. 51.
1947 c. 43.

(3) In this section "local authority" means a local authority within the meaning of the Local Government Act 1933 or the Local Government (Scotland) Act 1947 and any joint board or joint committee of which all the constituent authorities are local authorities within the meaning of either of those Acts.

Provision of
sanitary
conveniences
at certain
premises open
to the public.
1936 c. 49.

6.—(1) Any person upon whom a notice is served with respect to any premises under section 89 of the Public Health Act 1936 (which empowers local authorities by notice to make requirements as to the provision and maintenance of sanitary conveniences for the use of persons frequenting certain premises used for the accommodation, refreshment or entertainment of members of the public) shall in complying with that notice make provision, in so far as it is in the circumstances both practicable and reasonable, for the needs of persons frequenting those premises who are disabled.

1959 c. 24.

(2) The owner of a building, who has been ordered under section 11(4) of the Building (Scotland) Act 1959 to make the building conform to a provision of building standards regulations made under section 3 of that Act requiring the provision of suitable and sufficient sanitary conveniences therein, shall in complying with that order make provision, in so far as it is in the circumstances both practicable and reasonable, for the needs of persons frequenting that building who are disabled.

Signs at
buildings
complying
with ss. 4–6.

7.—(1) Where any provision required by or under section 4, 5 or 6 of this Act is made at a building in compliance with that section, a notice or sign indicating that provision is made for the disabled shall be displayed outside the building or so as to be visible from outside it.

(2) This section applies to a sanitary convenience provided elsewhere than in a building, and not itself being a building, as it applies to a building.

University and school buildings

Access to, and
facilities at,
university
and school
buildings.

8.—(1) Any person undertaking the provision of a building intended for purposes mentioned in subsection (2) below shall, in the means of access both to and within the building, and in the parking facilities and sanitary conveniences to be available (if any), make provision, in so far as it is in the circumstances both practicable and reasonable, for the needs of persons using the building who are disabled.

(2) The purposes referred to in subsection (1) above are the purposes of any of the following:—

(a) universities, university colleges and colleges, schools and halls of universities;

- (b) schools within the meaning of the Education Act 1944, 1944 c. 31. teacher training colleges maintained by local education authorities in England or Wales and other institutions providing further education pursuant to a scheme under section 42 of that Act;
- (c) educational establishments within the meaning of the Education (Scotland) Act 1962. 1962 c. 37.

Advisory committees, etc.

9.—(1) The Secretary of State shall ensure that the central advisory committee constituted under section 3 of the War Pensions Act 1921 includes the chairmen of not less than twelve of the committees established by schemes under section 1 of that Act and includes at least one war disabled pensioner, and shall cause that central advisory committee to be convened at least once in every year. Central advisory committee on war pensions 1921 c. 49.

(2) This section extends to Northern Ireland.

10. In the appointment of persons to be members of the Central Housing Advisory Committee set up under section 143 of the Housing Act 1957 or of the Scottish Housing Advisory Committee set up under section 167 of the Housing (Scotland) Act 1966, regard shall be had to the desirability of that Committee's including one or more persons with knowledge of the problems involved in housing the chronically sick and disabled and to the person or persons with that knowledge being or including a chronically sick or disabled person or persons. Housing Advisory Committees. 1957 c. 56. 1966 c. 49.

11. The National Insurance Advisory Committee shall include at least one person with experience of work among and of the needs of the chronically sick and disabled and in selecting any such person regard shall be had to the desirability of having a chronically sick or disabled person. National Insurance Advisory Committee.

12. The Industrial Injuries Advisory Council shall include at least one person with experience of work among and of the needs of the chronically sick and disabled and in selecting any such person regard shall be had to the desirability of having a chronically sick or disabled person. Industrial Injuries Advisory Council.

13.—(1) Without prejudice to any other arrangements that may be made by the Secretary of State, the Central Youth Employment Executive shall include at least one person with special responsibility for the employment of young disabled persons. Youth employment service.

(2) In the appointment of persons to be members of any of the bodies constituted in pursuance of section 8(1) of the Employment and Training Act 1948 (that is to say, the National Youth 1948 c. 46.

Employment Council and the Advisory Committees on Youth Employment for Scotland and Wales respectively) regard shall be had to the desirability of the body in question including one or more persons with experience of work among, and the special needs of, young disabled persons and to the person or persons with that experience being or including a disabled person or persons.

Miscellaneous
advisory
committees.

14.—(1) In the appointment of persons to be members of any of the following advisory committees or councils, that is to say, the Transport Users' Consultative Committees, the Gas Consultative Councils, the Electricity Consultative Councils, the Post Office Users' Councils and the Domestic Coal Consumers' Council, regard shall be had to the desirability of the committee or council in question including one or more persons with experience of work among, and the special needs of, disabled persons and to the person or persons with that experience being or including a disabled person or persons.

1969 c. 48.

(2) In this section the reference to the Post Office Users' Councils is a reference to the Councils established under section 14 of the Post Office Act 1969, and in relation to those Councils this section shall extend to Northern Ireland.

Co-option
of chronically
sick or
disabled
persons to
local authority
committees.

1933 c. 51.

1947 c. 43.

15. Where a local authority within the meaning of the Local Government Act 1933 or the Local Government (Scotland) Act 1947 appoint a committee of the authority under any enactment, and the members of the committee include or may include persons who are not members of the authority, then in considering the appointment to the committee of such persons regard shall be had, if the committee is concerned with matters in which the chronically sick or disabled have special needs, to the desirability of appointing to the committee persons with experience of work among and of the needs of the chronically sick and disabled, and to the person or persons with that experience being or including a chronically sick or disabled person or persons.

Duties of
national
advisory
council under
Disabled
Persons
(Employment)
Act 1944.

1944 c. 10.

16. The duties of the national advisory council established under section 17(1)(a) of the Disabled Persons (Employment) Act 1944 shall include in particular the duty of giving to the Secretary of State such advice as appears to the council to be necessary on the training of persons concerned with—

- (a) placing disabled persons in employment; or
- (b) training disabled persons for employment.

Provisions with respect to persons under 65

17.—(1) Every Board constituted under section 11 of the National Health Service Act 1946 (that is to say, every Regional Hospital Board and every Board of Governors of a teaching hospital) and every Regional Hospital Board constituted under section 11 of the National Health Service (Scotland) Act 1947 shall use their best endeavours to secure that, so far as practicable, in any hospital for which they are responsible a person who is suffering from a condition of chronic illness or disability and who—

Separation of younger from older patients. 1946 c. 81. 1947 c. 27.

- (a) is in the hospital for the purpose of long-term care for that condition; or
- (b) normally resides elsewhere but is being cared for in the hospital because—
 - (i) that condition is such as to preclude him from residing elsewhere without the assistance of some other person; and
 - (ii) such assistance is for the time being not available,

is not cared for in the hospital as an in-patient in any part of the hospital which is normally used wholly or mainly for the care of elderly persons, unless he is himself an elderly person.

(2) Each such Board as aforesaid shall provide the Secretary of State in such form and at such times as he may direct with such information as he may from time to time require as to any persons to whom subsection (1) of this section applied who, not being elderly persons, have been cared for in any hospital for which that Board are responsible in such a part of the hospital as is mentioned in that subsection; and the Secretary of State shall in each year lay before each House of Parliament such statement in such form as he considers appropriate of the information obtained by him under this subsection.

(3) In this section “elderly person” means a person who is aged sixty-five or more or is suffering from the effects of premature ageing.

18.—(1) The Secretary of State shall take steps to obtain from local authorities having functions under Part III of the National Assistance Act 1948 information as to the number of persons under the age of 65 appearing to the local authority in question to be persons to whom section 29 of that Act applies for whom residential accommodation is from time to time provided under section 21(1)(a) or 26(1)(a) of that Act at any premises in a part of those premises in which such accommodation is so provided for persons over that age.

Information as to accommodation of younger persons with older persons under Part III of National Assistance Act 1948. 1948 c. 29.

1968 c. 49. (2) The Secretary of State shall take steps to obtain from local authorities having functions under the Social Work (Scotland) Act 1968 information as to the number of persons under the age of 65 who suffer from illness or mental disorder within the meaning of section 6 of the Mental Health (Scotland) Act 1960 or are substantially handicapped by any deformity or disability and for whom residential accommodation is from time to time provided under section 59 of the said Act of 1968 at any premises in a part of those premises in which such accommodation is so provided for persons over that age.

1960 c. 61. (3) Every local authority referred to in this section shall provide the Secretary of State in such form and at such times as he may direct with such information as he may from time to time require for the purpose of this section; and the Secretary of State shall in each year lay before each House of Parliament such statement in such form as he considers appropriate of the information obtained by him under this section.

Provision of information relating to chiropody services.

1968 c. 46.
1947 c. 27.

19. Every local health authority empowered to provide chiropody services under section 12 of the Health Services and Public Health Act 1968, or under section 27 of the National Health Service (Scotland) Act 1947, shall provide the Secretary of State in such form and at such times as he may direct with information as to the extent to which those services are available and used for the benefit of disabled persons under the age of sixty-five.

Miscellaneous provisions

Use of invalid carriages on highways.

20.—(1) In the case of a vehicle which is an invalid carriage complying with the prescribed requirements and which is being used in accordance with the prescribed conditions—

(a) no statutory provision prohibiting or restricting the use of footways shall prohibit or restrict the use of that vehicle on a footway;

(b) if the vehicle is mechanically propelled, it shall be treated for the purposes of the Road Traffic Act 1960, the Road Traffic Act 1962, the Road Traffic Regulation Act 1967 and Part I of the Road Safety Act 1967 as not being a motor vehicle; and

(c) whether or not the vehicle is mechanically propelled, it shall be exempted from the requirements of the Road Transport Lighting Act 1957.

(2) In this section—

“footway” means a way which is a footway, footpath or bridleway within the meaning of the Highways Act 1959;

1959 c. 25.

and in its application to Scotland means a way over which the public has a right of passage on foot only or a bridleway within the meaning of section 47 of the Countryside (Scotland) Act 1967;

1967 c. 86.

“invalid carriage” means a vehicle, whether mechanically propelled or not, constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability;

“prescribed” means prescribed by regulations made by the Minister of Transport;

“statutory provision” means a provision contained in, or having effect under, any enactment.

(3) Any regulations made under this section shall be made by statutory instrument, may make different provision for different circumstances and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

21.—(1) There shall be a badge of a prescribed form to be issued by local authorities for motor vehicles driven by, or used for the carriage of, disabled persons; and—

Badges for display on motor vehicles used by disabled persons.

(a) subject to the provisions of this section, the badge so issued for any vehicle or vehicles may be displayed on it or on any of them either inside or outside the area of the issuing authority; and

(b) any power under section 84C of the Road Traffic Regulation Act 1967 (which was inserted by the Transport Act 1968) to make regulations requiring that orders under the Act shall include exemptions shall be taken to extend to requiring that an exemption given with reference to badges issued by one authority shall be given also with reference to badges issued by other authorities.

1967 c. 76.
1968 c. 73.

(2) A badge may be issued to a disabled person of any prescribed description resident in the area of the issuing authority for one or more vehicles which he drives and, if so issued, may be displayed on it or any of them at times when he is the driver.

(3) In such cases as may be prescribed, a badge may be issued to a disabled person of any prescribed description so resident for one or more vehicles used by him as a passenger and, if so issued, may be displayed on it or any of them at times when the vehicle is being used to carry him.

A badge may be issued to the same person both under this subsection and under subsection (2) above.

(4) A badge may be issued to an institution concerned with the care of the disabled for any motor vehicle or, as the case

may be, for each motor vehicle kept in the area of the issuing authority and used by or on behalf of the institution to carry disabled persons of any prescribed description; and any badge so issued may be displayed on the vehicle for which it is issued at times when the vehicle is being so used.

(5) A local authority shall maintain a register showing the holders of badges issued by the authority under this section, and the vehicle or vehicles for which each of the badges is held; and in the case of badges issued to disabled persons the register shall show whether they were, for any motor vehicle, issued under subsection (2) or under subsection (3) or both.

(6) A badge issued under this section shall remain the property of the issuing authority, shall be issued for such period as may be prescribed, and shall be returned to the issuing authority in such circumstances as may be prescribed.

(7) Anything which is under this section to be prescribed shall be prescribed by regulations made by the Minister of Transport and Secretary of State by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and regulations so made may make provision—

(a) as to the cases in which authorities may refuse to issue badges, and as to the fee (if any) which an authority may charge for the issue or re-issue of a badge; and

(b) as to the continuing validity or effect of badges issued before the coming into force of this section in pursuance of any scheme having effect under section 29 of the National Assistance Act 1948 or any similar scheme having effect in Scotland; and

(c) as to any transitional matters, and in particular the application to badges issued under this section of orders made before it comes into force and operating with reference to any such badges as are referred to in paragraph (b) above (being orders made, or having effect as if made, under the Road Traffic Regulation Act 1967).

(8) The local authorities for purposes of this section shall be the common council of the City of London, the council of a county or county borough in England or Wales or of a London borough and the council of a county or large burgh in Scotland; and in this section “motor vehicle” has the same meaning as in the Road Traffic Regulation Act 1967.

(9) This section shall come into operation on such date as the Minister of Transport and Secretary of State may by order made by statutory instrument appoint.

1948 c. 29.

1967 c. 76.

22. The Secretary of State shall as respects each year lay before Annual Parliament a report on the progress made during that year in report on research and development work carried out by or on behalf of research and development work. any Minister of the Crown in relation to equipment that might increase the range of activities and independence or well-being of disabled persons, and in particular such equipment that might improve the indoor and outdoor mobility of such persons.

23.—(1) The Pensions Appeal Tribunals Act 1943 shall have War pensions effect with the amendments specified in the subsequent provisions appeals. of this section. 1943 c. 39.

(2) In section 5—

(a) so much of subsection (1) as prevents the making of an appeal from an interim assessment of the degree of a disablement before the expiration of two years from the first notification of the making of an interim assessment (that is to say, the words from “if” to “subsection” where first occurring, and the words “in force at the expiration of the said period of two years”) is hereby repealed except in relation to a claim in the case of which the said first notification was given before the commencement of this Act;

(b) in the second paragraph of subsection (1) (which defines “interim assessment” for the purposes of that subsection), for the words “this subsection” there shall be substituted the words “this section”;

(c) in subsection (2) (which provides for an appeal to a tribunal from a Ministerial decision or assessment purporting to be a final settlement of a claim) at the end there shall be added the words “and if the Tribunal so set aside the Minister’s decision or assessment they may, if they think fit, make such interim assessment of the degree or nature of the disablement, to be in force until such date not later than two years after the making of the Tribunal’s assessment, as they think proper”;

(d) subsection (3) (which makes provision as to the coming into operation of section 5) is hereby repealed.

(3) In section 6, after subsection (2) there shall be inserted the following subsection—

“(2A) Where, in the case of such a claim as is referred to in section 1, 2, 3 or 4 of this Act—

(a) an appeal has been made under that section to the Tribunal and that appeal has been decided (whether with or without an appeal under subsection (2) of this section from the Tribunal’s decision); but

(b) subsequently, on an application for the purpose made (in like manner as an application for leave to appeal under the said subsection (2)) jointly by the appellant and the Minister, it appears to the appropriate authority (that is to say, the person to whom under rules made under the Schedule to this Act any application for directions on any matter arising in connection with the appeal to the Tribunal fell to be made) to be proper so to do—

(i) by reason of the availability of additional evidence; or

(ii) (except where an appeal from the Tribunal's decision has been made under the said subsection (2)), on the ground of the Tribunal's decision being erroneous in point of law,

the appropriate authority may, if he thinks fit, direct that the decision on the appeal to the Tribunal be treated as set aside and the appeal from the Minister's decision be heard again by the Tribunal ”.

(4) In subsection (3) of section 6 (under which, subject to subsection (2) of that section, a tribunal's decision is final and conclusive) for the words “ subject to the last foregoing subsection ” there shall be substituted the words “ subject to subsections (2) and (2A) of this section ”.

S.I. 1968/1699. (5) In consequence of the Secretary of State for Social Services Order 1968, in section 12(1), for the definition of “ the Minister ” there shall be substituted the following:—

“ ‘ the Minister ’ means the Secretary of State for Social Services ”.

(6) This section extends to Northern Ireland.

Institute of
hearing
research.

24. The Secretary of State shall collate and present evidence to the Medical Research Council on the need for an institute for hearing research, such institute to have the general function of co-ordinating and promoting research on hearing and assistance to the deaf and hard of hearing.

Special
educational
treatment
for the
deaf-blind.

25.—(1) It shall be the duty of every local education authority to provide the Secretary of State at such times as he may direct with information on the provision made by that local education authority of special educational facilities for children who suffer the dual handicap of blindness and deafness.

(2) The arrangements made by a local education authority for the special educational treatment of the deaf-blind shall, so far as is practicable, provide for the giving of such education in any school maintained or assisted by the local education authority,

(3) In the application of this section to Scotland for any reference to a local education authority there shall be substituted a reference to an education authority within the meaning of section 145 of the Education (Scotland) Act 1962.

1962 c. 47.

26.—(1) It shall be the duty of every local education authority to provide the Secretary of State at such times as he may direct with information on the provision made by that local education authority of special educational facilities for children who suffer from autism or other forms of early childhood psychosis.

Special educational treatment for children suffering from autism, &c.

(2) The arrangements made by a local education authority for the special educational treatment of children suffering from autism and other forms of early childhood psychosis shall, so far as is practicable, provide for the giving of such education in any school maintained or assisted by the local education authority.

(3) In the application of this section to Scotland for any reference to a local education authority there shall be substituted a reference to an education authority within the meaning of section 145 of the Education (Scotland) Act 1962.

27.—(1) It shall be the duty of every local education authority to provide the Secretary of State at such times as he may direct with information on the provision made by that local education authority of special educational facilities for children who suffer from acute dyslexia.

Special educational treatment for children suffering from acute dyslexia.

(2) The arrangements made by a local education authority for the special educational treatment of children suffering from acute dyslexia shall, so far as is practicable, provide for the giving of such education in any school maintained or assisted by the local education authority.

(3) In the application of this section to Scotland for any reference to a local education authority there shall be substituted a reference to an education authority within the meaning of section 145 of the Education (Scotland) Act 1962.

28. Where it appears to the Secretary of State to be necessary or expedient to do so for the proper operation of any provision of this Act, he may by regulations made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make provision as to the interpretation for the purposes of that provision of any of the following expressions appearing therein, that is to say, "chronically sick", "chronic illness", "disabled" and "disability".

Power to define certain expressions.

29.—(1) This Act may be cited as the Chronically Sick and Disabled Persons Act 1970.

Short title, extent and commencement.

(2) Sections 1 and 2 of this Act do not extend to Scotland.

(3) Save as otherwise expressly provided by sections 9, 14 and 23, this Act does not extend to Northern Ireland.

(4) This Act shall come into force as follows:—

- (a) sections 1 and 21 shall come into force on the day appointed thereunder;
- (b) sections 4, 5, 6, 7 and 8 shall come into force at the expiration of six months beginning with the date this Act is passed;
- (c) the remainder shall come into force at the expiration of three months beginning with that date.

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