CHAPTER 33

An Act to amend the law relating to disabled persons as regards the minimum age for attendance at certain courses under the Disabled Persons (Employment) Act, 1944, as regards registration under that Act and as regards the provision by local authorities of employment or other work under special conditions.

[7th July, 1958]

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:—

Minimum age for attendance at courses.

1. In sections two and three of the principal Act (which relate to the provision of vocational training courses and industrial rehabilitation courses for disabled persons, not being under the age of sixteen years) for the words " not being under the age of sixteen years " there shall in each case be substituted the words " being over compulsory school age for the purposes of the Education Act, 1944, or, in Scotland, over school age for the purposes of the Education (Scotland) Act, 1946 ".

Amendments as to registration.

2.—(1) In subsection (2) of section seven of the principal Act (under which, among other things, a person's name is not to be entered in the register of disabled persons unless his disablement appears likely to continue for six months or more or he is a 1914–18 disablement pensioner) for any reference to six months there shall be substituted a reference to twelve months.

(2) Notwithstanding anything in section eight of the principal Act, a person registered as handicapped by disablement shall be entitled to have his name removed from the register on making a written application to the Minister of Labour and National Service for it to be removed.

Provision of sheltered employment by local authorities.

3.—(1) A local authority shall have power under this section to make arrangements for the provision of facilities for any of the purposes mentioned in subsection (1) of section fifteen of the principal Act (which relates to the provision for registered persons who are seriously disabled of employment, or work on their own account, under special conditions, and of training for such employment or work); and in relation to persons ordinarily resident in the area of a local authority, the authority shall, to such extent as the Minister of Labour and National Service may direct, be under a duty to exercise their powers under this subsection.

(2) The powers and duties of a local authority under subsection (1) of this section shall be in lieu of any power or duty of the authority to make arrangements for the same purposes under section twenty-nine of the National Assistance Act, 1948, or under section twenty-eight of the National Health Service Act, 1946, or section twenty-seven of the National Health Service (Scotland) Act, 1947.

(3) The arrangements made by a local authority under this section shall be carried into effect in accordance with a scheme made thereunder; and subject to the provisions of any such scheme local authorities shall exercise their functions under this section (including any discretion conferred on them thereunder) under the general guidance of the Minister of Labour and National Service.

(4) The Schedule to this Act shall have effect for the purpose of applying or adapting the enactments there mentioned for the purpose of this section, and for making other provisions supplementary to this section; and the foregoing subsections shall have effect subject to the provision made by that Schedule.

(5) For the purpose of this section "local authority" means as respects England or Wales, the council of a county or of a county borough and, as respects Scotland, the council of a county or of a large burgh within the meaning of the Local Government (Scotland) Act, 1947; and any small burgh within the meaning of that Act shall be deemed to be included in the county in which it is situated.

(6) This section shall come into force on the first day of January, nineteen hundred and fifty-nine.

Short title, citation, construction and extent.

4.—(1) This Act may be cited as the Disabled Persons (Employment) Act, 1958.

(2) In this Act "the principal Act" means the Disabled Persons (Employment) Act, 1944, and the principal Act and this

Act may be cited together as the Disabled Persons (Employment) Acts, 1944 and 1958.

(3) References in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

(4) This Act shall not extend to Northern Ireland.

Section 3.

SCHEDULE

SHELTERED EMPLOYMENT (SUPPLEMENTARY PROVISIONS)

1.—(1) Subject to the next following sub-paragraph, the National Assistance Act, 1948, shall have effect as if the following references included a reference to section three of this Act, that is to say—

(*a*) the reference in paragraph (*c*) of subsection (4) of section twenty-nine to the principal Act;

(*b*) the references in subsections (6) and (7) of section twenty-nine to paragraph (*c*) of subsection (4) of that section;

(*c*) the references in sections thirty, thirty-two and thirty-four to section twenty-nine of that Act;

(*d*) the references in sections thirty-five, thirty-six and fifty-eight to Part III of that Act;

(*e*) the references in sections fifty-nine and sixty-six to that Act.

(2) In the said sections thirty-four, thirty-five and thirty-six, as they apply by virtue of the foregoing sub-paragraph for the purposes of section three of this Act, references to the Minister of Labour and National Service shall be substituted for any reference to the Minister of Health or (in relation to Scotland) for any reference to the Secretary of State.

(3) Any order made before the date of the passing of this Act under the said section sixty-six (which relates to the application of the said Act to the Scilly Isles) shall, subject to any subsequent order, have effect as if section three of this Act were included in Part III of that Act.

2.—(1) Without prejudice to any other power of a local authority with respect to committees, a local authority shall have power—

(*a*) to refer any matter relating to the discharge of the authority's functions under section three of this Act to the committee to which are referred matters relating to the discharge of their functions under section twenty-nine of the National Assistance Act, 1948, or to the committee to which are referred matters relating to the discharge of their functions under section twenty-eight of the National Health Service Act, 1946;

(*b*) to authorise either of those committees to exercise on their behalf any functions under section three of this Act (except so far as relates to the borrowing of money or to the levying or issuing of a precept for a rate).

(2) An order constituting a joint board for the purpose of performing any functions of a local authority under the said section twenty-nine or the said section twenty-eight may include provision for the exercise by that board of all or any of the functions of the authority under section three of this Act, and may make such other provision in connection therewith as may be made by such an order in the case of functions under the said section twenty-nine or the said section twenty-eight, as the case may be.

SCH. —*cont.*

(3) If provision is made by any Act of the present Session relating to local government in England and Wales for the delegation to other councils of the functions of county councils under the said section twenty-nine, that provision shall apply in relation to functions under section three of this Act as it applies in relation to functions under the said section twenty-nine, but so that in relation to the making, variation, revocation or approval of schemes under section three of this Act, or to proposals therefor, references to the Minister of Labour and National Service shall be substituted for references to the Minister of Health.

3.—(1) Except as provided by the following sub-paragraphs, the coming into force of section three of this Act shall not affect the powers or duties conferred or imposed on a local authority under section twenty-nine of the National Assistance Act, 1948, by any direction or scheme then in force, or affect anything previously done by a local authority for the purpose of those powers or duties.

(2) Any such direction or scheme, so far as it relates to matters falling within section three of this Act, may be varied or revoked in the same way as a direction or scheme given or made under that section.

(3) In the exercise of any such powers as aforesaid, so far as they relate to matters falling within section three of this Act, a local authority shall be deemed to be acting under that section (but without prejudice to the operation of references in any such scheme as aforesaid to the authority's functions under the said section twenty-nine), and in particular shall act under the general guidance of the Minister of Labour and National Service in accordance with subsection (3) of the said section three; and in relation to those matters all powers which immediately before the coming into force of that section were exercisable under any such scheme as aforesaid by a Minister of the Crown other than the Minister of Labour and National Service shall (subject to sub-paragraph (2) of this paragraph) be exercisable instead by the Minister of Labour and National Service.

(4) Where a scheme made under the said section twenty-nine has been submitted for approval to the Minister of Health or, in Scotland, to the Secretary of State before the coming into force of section three of this Act, it may be approved by him and, if so approved, shall come into force, as if the said section three had not been passed; and in relation to any scheme approved by virtue of this sub-paragraph the foregoing sub-paragraphs shall apply as if the said section three had not come into force until the scheme had.

(5) The foregoing sub-paragraphs shall apply, with any necessary adaptations, in relation to arrangements made by a local health authority under section twenty-eight of the National Health Service Act, 1946, as if they were arrangements made in accordance with a scheme under section twenty-nine of the National Assistance Act, 1948, and in carrying out any such arrangements (so far as they relate to matters falling within section three of this Act) a local authority shall not be treated as acting as a local health authority.

SCH. —*cont.*

4. In the application of this Schedule to Scotland—

(*a*) for any reference to section twenty-eight of the National Health Service Act, 1946, there shall be substituted a reference to section twenty-seven of the National Health Service (Scotland) Act, 1947, and any reference to an order constituting a joint board shall in relation to the said section twenty-seven be deemed to include a reference to an order constituting a joint committee and an agreement constituting a joint committee or joint board;

(*b*) for any reference to issuing a precept for a rate there shall be substituted a reference to sending a requisition within the meaning of the Local Government (Scotland) Act, 1947.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Disabled Persons (Employment) Act, 1944 ...	7 & 8 Geo. 6. c. 10.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
National Health Service (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 27.
Local Government (Scotland) Act, 1947... ...	10 & 11 Geo. 6. c. 43.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.

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