1964 No. 1474

LONDON GOVERNMENT

The London Authorities (Health and Welfare Services) Order 1964

Made - - - -	14*th September* 1964
Laid before Parliament	15*th September* 1964
Coming into Operation	25*th September* 1964

The Minister of Health, as the appropriate Minister with respect to the subject matter of this order, in exercise of his powers under section 84 of the London Government Act 1963(a), and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation and Commencement

1. This order may be cited as the London Authorities (Health and Welfare Services) Order 1964 and shall come into operation on 25th September 1964.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

" the Act " means the London Government Act 1963 ;

" the Act of 1948 " means the National Assistance Act 1948(b) ;

" the Common Council " means the Common Council of the City of London ;

" the Minister " means the Minister of Health ;

" London borough " includes the City of London ;

and references, however worded, to a London borough council include the Common Council.

(2) Unless the context otherwise requires, references in this order to the provisions of any enactment, regulation or order shall be construed as references to those provisions as amended or re-enacted by any subsequent enactment, regulation or order.

(3) The Interpretation Act 1889(c) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

Mental Health

3.—(1) Where immediately prior to 1st April 1965 a patient is in the guardianship under the Mental Health Act 1959(d) of any county council

(a) 1963 c. 33. (b) 11 & 12 Geo. 6. c. 29. (c) 52 & 53 Vict. c. 63. (d) 7 & 8 Eliz. 2. c. 72.

or county borough council which is abolished by section 3(1)(*b*) of the Act, his guardianship shall vest—

(*a*) if the place where he resided immediately before he was received into guardianship is on 1st April 1965 in a London borough, in the council of that borough, or

(*b*) if the place where he resided immediately before he was received into guardianship is not on 1st April 1965 in a London borough, or cannot with reasonable diligence be ascertained, or is disputed, in the council of the county or London borough designated for that purpose by the council in whom his guardianship vested immediately prior to 1st April 1965,

and section 41(2)(*c*) of the Mental Health Act 1959 shall apply as if the patient had been transferred into the guardianship of such council in pursuance of regulations under that section.

(2) For the purposes of regulation 26 of the Mental Health (Hospital and Guardianship) Regulations 1960(a) a patient in hospital at the time when his age is to be determined who before the date of his admission to hospital resided in any county or county borough which is abolished by the said section 3(1)(*b*) shall be deemed to have resided at that date in the county or London borough in which on 1st April 1965 his former place of residence is situated.

(3) Any order made by a County Court under section 52 of the said Act of 1959 directing that the functions under Part IV of that Act of the nearest relative of a patient shall be exercisable by a county council or county borough council which is abolished by the said section 3(1)(*b*) shall have effect on and after 1st April 1965 as if the order had directed those functions to be exercisable by the council of the county, London borough or county borough in which the patient resided on that day, or, if he is then in hospital, the council of the county, London borough or county borough in which on 1st April 1965 the place at which he was resident immediately before he was last admitted to hospital is situated.

(4) Anything duly done prior to 1st April 1965 by or in relation to a local health authority or mental welfare officer for the purposes of any provision of the Mental Health Act 1959 as respects a person at any place in Greater London, or in the urban districts of Potters Bar, Staines or Sunbury-on-Thames shall not be affected by the Act but may be continued thereafter by or in relation to the local health authority or mental welfare officer concerned to carry out that provision of the said Act of 1959 at that place.

Expenses of officers acting as receivers

4. Where by virtue of an order made or having effect as if made by the Court of Protection under Part VIII of the Mental Health Act 1959 a person, being an officer of a London borough council,—

(*a*) commences on 1st April 1965 to act as receiver for a patient or as a person otherwise having functions in relation to the property and affairs of a patient, or

(*b*) continues on 1st April 1965 to act as such receiver or person, having so acted immediately before that date,

then the provisions of section 49 of the Act of 1948 shall apply with respect to the defrayment of his expenses incurred on and after that date in

(a) S.I. 1960/1241 (1960 II, p. 1903).

connection with his functions as receiver or as such person as if the permission of the London borough council had been given to an application by him for such appointment.

National Assistance

5.—(1) Where immediately before 1st April 1965 any expenditure is recoverable under section 32(1) or section 47(9) of the Act of 1948 in respect of any person who was, or is deemed to have been, ordinarily resident in the area of any authority abolished by section 3(1)(*b*) of the Act or in the counties of Hertfordshire, Essex, Kent or Surrey, that person shall on and after that date be deemed to have been ordinarily resident in the county or London borough of his former place of residence.

(2) For the purposes of section 32(1) or section 47(9) of the Act of 1948 any person (other than a person to whom paragraph (1) of this article applies) residing immediately prior to 1st April 1965 in accommodation provided under Part III of the Act of 1948 by the county councils of Hertfordshire, Essex, Kent or Surrey, or for whom services under section 29 of that Act are then being provided by any of those councils, shall on and after that date be deemed to have been ordinarily resident in the county or London borough of his former place of residence.

(3) Where a person (other than a person to whom paragraph (1) of this article applies) who resided immediately prior to 1st April 1965 in accommodation provided under Part III of the Act of 1948 by any authority abolished by section 3(1)(*b*) of the Act, at any time thereafter, with the consent of the council of the county or London borough of his former place of residence, leaves that accommodation and without acquiring a new ordinary residence enters accommodation provided under the said Part III by another local authority, he shall be deemed to be ordinarily resident in such county or London borough, as the case may be.

(4) Where any person in hospital at 1st April 1965 subsequently enters accommodation provided under Part III of the Act of 1948 in circumstances in which he would but for the Act be deemed to be ordinarily resident in the area of any authority abolished by section 3(1)(*b*) of the Act or in the counties of Hertfordshire, Essex, Kent or Surrey, he shall be deemed to be ordinarily resident in the county or London borough in which on 1st April 1965 is situated the place at which he was ordinarily resident immediately prior to his admission to hospital.

(5) Except as provided in paragraphs (1) and (3) of this article, a person residing immediately prior to 1st April 1965 in accommodation provided under Part III of the Act of 1948 by the county councils of London or Middlesex shall not in consequence of the Act be treated as ordinarily resident in the area of any other local authority.

(6) Any local authority by whom any sum is recoverable under section 32(1) or section 47(9) of the Act of 1948 in consequence of this order may agree with any local authority from whom the sum is recoverable to forgo recovery of the sum.

(7) Any question arising under paragraph (1), (2), (3) or (4) of this article as to the ordinary residence of any person shall be determined by the Minister.

(8) In this article the expression "county or London borough of his former place of residence" means in relation to any person the county or London borough in which on 1st April 1965 is situated the place at which he was, or is deemed to have been, ordinarily resident immediately

prior to his admission to accommodation provided under Part III of the Act of 1948, or, as the case may be, at the time when services under section 29 of that Act were provided for him.

(9) Any order in force under section 47 of the Act of 1948, immediately prior to 1st April 1965 authorising the detention of any person in accommodation provided under Part III of that Act and directed to an officer of any authority abolished by section 3(1)(*b*) of the Act or the county councils of Hertfordshire, Essex, Kent or Surrey, shall not be affected by any transfer of the premises in which the person is detained, but, subject to any further order of the court, shall continue to have effect as if the order had been directed to the appropriate officer of the authority to whom the premises are transferred.

Midwives

6.—(1) With effect from 1st April 1965 section 11 of the Midwives Act 1951(**a**) (prohibition of unqualified persons acting as maternity nurses for gain) shall apply throughout Greater London.

(2) Any notice given by a certified midwife under section 15 of the Midwives Act 1951 to any local supervising authority which is abolished by section 3(1)(*b*) of the Act or to the county councils of Hertfordshire, Essex, Surrey or Kent and in force immediately before 1st April 1965 shall have effect thereafter as a like notice given to the local supervising authority of every area including any part of the area of the authority to whom the notice was originally given.

(3) Where any midwife has been suspended from practice by any local supervising authority or county council mentioned in the last foregoing paragraph and such suspension is in force immediately before 1st April 1965 the suspension shall continue to have effect thereafter as if the Act had not been passed, but may be terminated or extended in any area in which the midwife would, but for the suspension, be entitled to practise, by the local supervising authority for that area.

Infectious diseases

7. Any order, notice or decision made, given or taken or any other thing done, before 1st April 1965 under any provision of Part V of the Public Health Act 1936(**b**) or Part IX of the Public Health (London) Act 1936(**c**) by or to any authority in Greater London, or in the urban districts of Potters Bar, Staines or Sunbury-on-Thames or an officer of any such authority in relation to any person, premises or article shall have effect on and after that date as if it had been made, given, taken or done by or to the authority which is the local authority for the purposes of the said Part V in relation to the person, premises or article, or, as the case may be, an officer of that authority, and in the case of any order, notice, decision or other thing made, given, taken or done under any provision of the said Part I X,as if it had been made, taken, given or done under the corresponding provision of the said Part V.

Reports of Medical Officers of Health

8.—(1) Where the medical officer of health of any authority which is abolished by section 3(1)(*b*) of the Act has not before 1st April 1965 made his annual report for the year ending on 31st December 1964, as

(**a**) 14 & 15 Geo. 6. c. 53. (**b**) 26 Geo. 5 & 1 Edw. 8. c. 49. (**c**) 26 Geo. 5 & 1 Edw. 8. c. 50.

required by the Public Health Officers Regulations 1959(a), copies of the report shall be sent by the authority to whom, under article 16 of the London Authorities (Property etc.) Order 1964(b), the property and liabilities of such abolished authority have been transferred, to:—

(*a*) the council of every county or London borough comprising any part of the area of such abolished authority;

(*b*) the Minister, and

(*c*) the Greater London Council.

(2) The medical officers of health of the counties of Hertfordshire, Essex, Kent and Surrey shall respectively send copies of their annual report for the year ending on 31st December 1964 to—

(*a*) the council of every London borough comprising any part of the area for which the report was prepared, and

(*b*) the Greater London Council.

(3) The medical officer of health of any authority which is abolished by section 3(1)(*b*) of the Act shall transmit to the medical officer of health of every county or London borough comprising any part of the area of such abolished authority, any available information for the period of three months ending 31st March 1965 which will be of assistance to that officer in the preparation of his annual report.

Food and Drugs

9. Anything duly done before 1st April 1965 in Greater London, or in the urban districts of Potters Bar, Staines or Sunbury-on-Thames by or to any local authority or food and drugs authority or an authorised officer of either such authority in the exercise of any function under the Food and Drugs Act 1955(c) or regulations having effect thereunder, shall be deemed as from that date to have been duly done by or to the authority by whom the function has become exercisable or, as the case may be, an authorised officer of such authority, and any instrument in force immediately before that date, if and so far as it was made in the exercise of any such function, shall continue in force after that date until varied or revoked in the exercise of that function by such latter authority.

Given under the Official Seal of the Minister of Health on 14th September 1964.

(L.S.)

Anthony Barber,
Minister of Health.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The order makes transitional provision to ensure continuity of administration when the health and welfare services in Greater London (other than the ambulance service) are taken over by the London borough councils and the Common Council on 1st April 1965.

Provision is also made (article 5) for assigning to the appropriate London borough council or county council, or to the Common Council, existing liabilities of authorities abolished or affected by the London Government Act 1963 to pay the cost of accommodation or welfare services provided under Part III of the National Assistance Act 1948 by other authorities.

(a) S.I. 1959/962 (1959 I, p. 1605). (b) S.I. 1964/1464 (1964 III, p. 3392).
(c) 4 & 5 Eliz. 2. c. 16.