



Isle of Man

Ellan Vannin

AT 8 of 1992

**CHRONICALLY SICK AND DISABLED
PERSONS (AMENDMENT) ACT 1992**



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CHRONICALLY SICK AND DISABLED PERSONS (AMENDMENT) ACT 1992

Received Royal Assent: 7 July 1992
Passed: 7 July 1992
Commenced: 1 September 1993

AN ACT to amend the *Chronically Sick and Disabled Persons Act 1981*.

1 *Provision of welfare services*

*In section 2 of the Chronically Sick and Disabled Persons Act 1981 (“the 1981 Act”), for “(if in the circumstances it considers it reasonable)” there is substituted “(unless in the circumstances it considers it unreasonable to do so)”.*¹

2 *Assessment of needs of disabled persons*

[P1986/33/3]

After section 2 of the 1981 Act there is inserted the following section —

2A *Assessment of needs of disabled person*

- (1) *Where on any occasion it falls to the Department to decide whether it is necessary, in order to meet the needs of a person to whom section 1 applies (“the disabled person”), to make arrangements for any of the matters specified in section 2, the Department shall —*
- (a) *afford an opportunity to the disabled person or his representative to make, within such reasonable period as the Department may allow, representations as to the needs of the disabled person to a person appointed by the Department for the purpose; and*
 - (b) *consider whether any, and (if so) what, arrangements for any of those matters it is necessary to make in order to meet any need identified in the representation.*
- (2) *Where —*
- (a) *any such representations have been made to the Department under subsection (1) or the period mentioned in that subsection has expired without any such representations being made, and*

(b) *the Department has reached a decision on the question referred to in subsection (1) (having taken into account any such representations so made),*

the Department shall supply the person making the request with a written statement complying with subsection (3).

(3) *A statement under subsection (2) shall —*

(a) *either specify any needs of the disabled person which in the opinion of the Department call for the making by it of arrangements for any of the matters specified in section 2 and (in the case of each such need) the arrangements that it proposes to make to meet that need, or state that in its opinion the disabled person has no needs calling for the making of any such arrangements;*

(b) *give the Department's reasons for its decision;*

(c) *where the Department does not propose to make any arrangements to meet a particular need identified in representations made under subsection (1), state that fact and the reasons why the Department do not propose to make any such arrangements; and*

(d) *give particulars of the right of the disabled person or his representative to make representations with respect to the decision under subsection (4).*

(4) *If the disabled person or his representative is dissatisfied with any matter included in a statement under subsection (2), he may, within such reasonable period as the Department may allow, make representations as to that matter to a person appointed by the Department for the purpose.*

(5) *Where any such representations have been made to the Department under subsection (4), the Department shall —*

(a) *consider (or reconsider) whether any, and (if so) what, arrangements for any of the matters specified in section 2 it is necessary to make in order to meet any need identified in the representation, and*

(b) *inform the disabled person or his representative in writing of its decision on that question and its reasons for its decision.*

(6) *References in this section to the representative of a disabled person are to any of the following —*

(a) *if the disabled person is a minor, any parent or guardian of his;*

(b) *if the disabled person is suffering from mental disorder, any person exercising the functions of guardian or nearest relative in relation to him under the Mental Health Act 1974;*

(c) *where paragraphs (a) and (b) do not apply, a person appointed in writing by the disabled person for the purpose;*

- (d) where paragraphs (a) and (b) do not apply and no person is for the time being appointed under paragraph (c), a person appointed by the Department for the purpose. **22**

3 *Provision for needs of disabled*

[P1981/43/6]

- (1) In sections 4(1), 5(1), 6 and 8(1) of the 1981 Act —
- (a) for “provision, in so far as it is in the circumstances both practicable and reasonable,” there is substituted “appropriate provision”; and
- (b) at the end there is inserted “unless the Department is satisfied that in the circumstances it is either not practicable to make such provision or not reasonable that such provision should be made”.
- (2) After section 4(1) of the 1981 Act there is inserted —
- 22**(1A) In subsection (1) “appropriate provision” means provision conforming with so much of the Code of Practice as is relevant to the case in question. **22**
- (3) In section 5(1) of the 1981 Act, at the end there is inserted —
- 22**In this subsection “appropriate provision” has the meaning given by section 4(1A). **22**
- (4) In section 6 of the 1981 Act, at the end there is inserted —
- 22**In this section “appropriate provision” has the meaning given by section 4 (1A). **22**
- (5) After section 8(1) of the 1981 Act there is inserted —
- 22**(1A) In subsection (1) “appropriate provision” means —
- (a) in relation to buildings intended for purposes mentioned in subsection (2), provision conforming with so much of the Design Note as is relevant to the case in question;
- (b) in relation to premises mentioned in subsection (3), provision conforming with so much of the Code of Practice as is relevant to the case in question. **22**
- (6) In section 13 of the 1981 Act —
- (a) after “may by order” there is inserted “(a)”; and
- (b) at the end there is inserted **22** or
- (b) amend the definitions of “the Code of Practice” and “the Design Note” in section 16. **22**.
- (7) In section 16 of the 1981 Act, at the appropriate places there are inserted the following definitions —

66 “*the Code of Practice*” means the Code of Practice for Access for the Disabled to Buildings issued by the British Standards Institution under reference BS5810:1979; 67”

68 “*the Design Note*” means the Design Note 18 “Access for the Physically Disabled to Educational Buildings”, published by Her Majesty’s Stationery Office on behalf of the Secretary of State. 69”

4 [Amends section 9 of the *Chronically Sick and Disabled Persons Act 1981*.]

5 **Short title etc**

- (1) This Act may be cited as the Chronically Sick and Disabled Persons (Amendment) Act 1992, and the 1981 Act and this Act may be cited together as the Chronically Sick and Disabled Persons Acts 1981 and 1992.
- (2) This Act shall come into operation on such day or days as the Department of Health and Social Security may by order appoint.⁴
- (3) In this Act “**the 1981 Act**” means the *Chronically Sick and Disabled Persons Act 1981*.
- (4) The enactments specified in the Schedule are repealed to the extent specified in column 3 thereof.

SCHEDULE

ENACTMENTS REPEALED

Section 5(4)

[Sch repeals the following Acts in part —

Chronically Sick and Disabled Persons Act 1981

Statute Law Revision Act 1982

Statutory Boards Act 1987.]

ENDNOTES

Table of Endnote References

¹ S 1 not in operation.

² S 2 not in operation.

³ S 3 not in operation.

⁴ ADO (ss 4 and 5 and Sch) 1/9/1993 (SD366/93).