



Isle of Man

Ellan Vannin

AT 36 of 1981

**CHRONICALLY SICK AND DISABLED
PERSONS ACT 1981**



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Index

Section	Page
1 Information as to need for and existence of social welfare services.....	5
2 Provision of welfare services.....	6
3 Duties of housing authorities.....	7
4 Access to and facilities at premises open to the public	7
5 Provision of public sanitary conveniences.....	7
6 Provision of sanitary conveniences at certain premises open to the public.....	7
7 Signs at buildings complying with sections 4 to 6	8
8 Access to and facilities at certain buildings	8
9 Establishment of Tynwald Advisory Council for Disabilities.....	8
<i>Provisions with respect to persons under 60</i> 10	
10 Separation of younger from older patients	10
11 [Repealed]	10
12 Special educational treatment for severe learning difficulties	10
13 Power to define certain expressions.....	11
14 Orders.....	11
15 Financial provisions	11
16 Interpretation.....	11
17 Short title and commencement	12
ENDNOTES	13
TABLE OF LEGISLATION HISTORY	13
TABLE OF RENUMBERED PROVISIONS	13
TABLE OF ENDNOTE REFERENCES	13

**Isle of Man***Ellan Vannin*

CHRONICALLY SICK AND DISABLED PERSONS ACT 1981

Received Royal Assent: 24 November 1981
Passed: 19 January 1982
Commenced: 1 August 1982

AN ACT to make further provision with respect to the welfare of chronically sick and disabled persons and for connected purposes.

1 Information as to need for and existence of social welfare services

[P1978/53/1]

- (1) The Department of Health and Social Care (in this Act referred to as “**the Department**”) shall inform itself of the number of and, so far as reasonably practicable, the identity of persons who are blind, deaf or dumb, and other persons who are substantially handicapped by illness, injury or congenital deformity and whose handicap is of a permanent or lasting nature or are suffering from a mental disorder within the meaning of the *Mental Health Act 1974* and of the need for the making by the Department of arrangements for promoting the social welfare of such persons under section 2 of the *Social Services Act 2011*.¹
- (2) The Department shall —
 - (a) cause to be published from time to time at such times and in such manner as it considers appropriate general information as to the services provided under arrangements made by the Department under section 2 of the *Social Services Act 2011* which are for the time being available in the Island; and²
 - (b) ensure that any person mentioned at subsection (1) who uses any of those services is informed of any other of those services which in the opinion of the Department is relevant to his needs and of services provided by other government departments, public bodies and voluntary organisations which in the opinion of the Department are also relevant to his needs.³

2 Provision of welfare services

[P1970/44/2; P1978/53/2]

Where the Department is satisfied in the case of any person to whom section 1 applies and who is ordinarily resident in the Island that it is necessary in order to meet the needs of that person for the Department 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 Department under section 2 of the *Social Services Act 2011* or, with the approval of the Department, in any services provided otherwise than as aforesaid which are similar to services which could be provided under such arrangements;⁴
- (da) if that person suffers from a handicap of such kind or to such a degree as seriously to restrict his mobility, the provision for him of such a conveyance or other appliance as is appropriate for the purpose of affording him a reasonable degree of mobility;⁵
- (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 Department or otherwise;⁶
- (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,

the Department shall (if in the circumstances it considers it reasonable) make those arrangements in exercise of its functions under section 2 of the *Social Services Act 2011*.⁷

3 Duties of housing authorities

[P1978/53/3]

The Department of Infrastructure or a local authority when considering the needs of any district with respect to the provision of further housing accommodation shall have regard to the special needs of chronically sick and disabled persons; and any proposals for the provision of new housing shall distinguish any houses which the Department of Infrastructure or the local authority proposes to provide which make special provision for the needs of those persons.⁸

4 Access to and facilities at premises open to the public

[P1978/53/4]

- (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.
- (2) This section shall not apply to any building or premises intended for purposes mentioned in subsection (2) of section 8 or any such premises as are mentioned in subsection (3) of that section.

5 Provision of public sanitary conveniences

[P1978/53/5]

- (1) Where the Department of Infrastructure or a local authority undertakes the provision of a public sanitary convenience, it shall be the duty of the Department of Infrastructure or the local 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.⁹
- (2) The Department of Infrastructure or any local authority which in any public sanitary convenience provided by it makes or has made provision for the needs of disabled persons shall take such steps as may be reasonable, by signposts or similar notices, to indicate the whereabouts of the convenience.¹⁰

6 Provision of sanitary conveniences at certain premises open to the public

[P1978/53/6]

Any person upon whom a notice is served with respect to any premises under section 2 of the *Local Government (Miscellaneous Provisions) Act 1976* (under which the Department of Environment, Food and Agriculture or a local authority may serve a notice requiring the provision of sanitary conveniences

etc. on certain premises) 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.¹¹

7 Signs at buildings complying with sections 4 to 6

[P1978/53/7]

- (1) Where any provision required by or under section 4, 5 or 6 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.

8 Access to and facilities at certain buildings

[P1978/53/8]

- (1) Any person undertaking the provision of a building intended for purposes mentioned in subsection (2) or of premises mentioned in subsection (3) 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 persons using the building or premises who are disabled.
- (2) The purposes referred to in subsection (1) are the purposes of any of the following —
 - (a) schools;
 - (b) institutions for continuing education.¹²
- (3) The premises referred to in subsection (1) are —
 - (a) factories;
 - (b) office premises; and
 - (c) shop premises;being (in each case) premises in which persons are employed to work.

9 Establishment of Tynwald Advisory Council for Disabilities

[1976/22/2]

- (1) An Advisory Council shall be established to be called the Tynwald Advisory Council for Disabilities (in this Act referred to as “**the Advisory Council**”).¹³
- (2) The Advisory Council shall consist of 5 members, as follows —

- (a) 2 members of Tynwald appointed by the Council of Ministers, subject to the approval of Tynwald, one of whom shall be appointed by the Advisory Council as chairman;¹⁴
 - (b) 3 persons, not being members of Tynwald, appointed by the Council of Ministers, subject to the approval of Tynwald, as representatives of interested statutory or voluntary welfare organisations with experience of work among, and the special needs of, chronically sick or disabled persons and persons who have had a disability and including, if practicable, a disabled person or persons with that experience.¹⁵
- (2A) Section 3 of the *Statutory Boards Act 1987* applies to the Advisory Council as it applies to a Statutory Board.¹⁶
- (3) The Advisory Council shall give to any Board of Tynwald or Statutory Board or the Isle of Man Medicines Commission advice on matters relating to the execution of this Act or the exercise of any power conferred on such Board or the Advisory Council or otherwise relating to chronically sick or disabled persons and persons who have had a disability, where either the Advisory Council consider it expedient or it is requested by a Board of Tynwald or a Statutory Board or the Isle of Man Medicines Commission to do so.¹⁷
- (4) Without prejudice to subsection (3), and to any other duties or powers imposed or conferred on the Advisory Council by or under this Act, it shall be the duty of the Advisory Council –
- (a) to recommend changes in legislation to any relevant body mentioned in subsection (3); and
 - (b) to present to any such body a draft of any proposed order where such an order is required pursuant to paragraph (a).¹⁸
- (4A) The Public Services Commission shall make such arrangements as it considers appropriate for the provision of staff for the Advisory Council.¹⁹
- (5) and (6) [Repealed]²⁰
- (7) [Repealed]²¹
- (8) For the purposes of this section –
- (a) a person is a disabled person if he or she is a disabled person for the purposes of the *Disability Discrimination Act 2006*; and
 - (b) “disability” has the same meaning as in that Act.²²

Provisions with respect to persons under 60

10 Separation of younger from older patients

[P1970/44/17]

- (1) The Department shall use their best endeavours to secure that, so far as practicable, in any hospital in the Island a person who is suffering from a condition of chronic illness or disability and who —
- (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.²³
- (2) The Department shall provide the Committee annually with a memorandum to be attached to the report mentioned at section 9(5), and to be laid before Tynwald, containing such information as it may consider relevant as to any persons to whom subsection (1) applied, who, not being elderly persons, have been cared for in any hospital for which the Department is responsible in such a part of the hospital as is mentioned in subsection (1).²⁴
- (3) In this section “elderly person” means a person who is aged 60 years or more or is suffering from the effects of premature ageing.

11 [Repealed]²⁵

12 Special educational treatment for severe learning difficulties

[P1977/53/15-17]

- (1) The Department of Education, Sport and Culture shall provide the Committee at such times as the Committee may direct with information on the provision made by that Department of special training facilities for children who suffer —
- (a) the dual handicap of blindness and deafness;
 - (b) from severe learning difficulties or from forms of early childhood psychosis; and
 - (c) from severe specific learning difficulties.²⁶
- (2) [Repealed]²⁷

13 Power to define certain expressions

[P1977/53/18]

Where it appears to the Department to be necessary or expedient to do so for the proper operation of any provision of this Act the Department may by order 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” and “chronic illness”.²⁸

14 Orders

No order made under this Act shall have effect until it has been approved by Tynwald.

15 Financial provisions

All expenses of and incidental to the operation of this Act shall be defrayed out of money provided by Tynwald.

16 Interpretation

In this Act —

“the 1951 Act” [Repealed]²⁹

“the Advisory Council” has the meaning assigned to it by section 9(1),³⁰

“Appointments Commission” means the body established under section 1 of the *Tribunals Act 2006*;³¹

“the Committee” [Repealed]³²

“continuing education” has the same meaning as in the *Education Act 2001*;³³

“the Department” means the Department of Health and Social Care;³⁴

“factories” means factories within the meaning of the *Factories and Workshops Act 1909*;

“further education” [Repealed]³⁵

“the L.G.B.” [Repealed]³⁶

“office premises” means a building or part of a building, being a building or part the sole or principal use of which is as an office or for office purposes;

“office purposes” includes the purposes of administration, clerical work, handling money and telephone and telegraph operating;

“schools” has the meaning assigned to it by section 165 of the *Isle of Man Education Act 1949*;

“severe learning difficulties” includes autism, dyslexia and language learning disabilities;

“**shop premises**” includes any premises where any retail trade or business is carried on and any premises used for the purposes of a funfair.³⁷

17 Short title and commencement

- (1) This Act may be cited as the Chronically Sick and Disabled Persons Act 1981.
- (2) The provisions of this Act shall take effect from such day or days as the Governor in Council may by order appoint and different days may be so appointed for different purposes.³⁸

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Subs (1) amended by Health and Social Security Act 1986 Sch 2, by SD155/10 Sch 6, by SD2014/08 and by Social Services Act 2011 Sch 3.

² Para (a) amended by Health and Social Security Act 1986 Sch 2 and by Social Services Act 2011 Sch 3.

³ Subs (2) amended by Health and Social Security Act 1986 Sch 2. Para (b) amended by Health and Social Security Act 1986 Sch 2.

⁴ Para (d) amended by Health and Social Security Act 1986 Sch 2 and by Social Services Act 2011 Sch 3.

⁵ Para (da) inserted by Statute Law Revision Act 1992 Sch 1.

⁶ Para (f) amended by Health and Social Security Act 1986 Sch 2.

⁷ S 2 amended by Health and Social Security Act 1986 Sch 2 and by Social Services Act 2011 Sch 3.

⁸ S 3 amended by SD155/10 Sch 6, by SD2014/08 and by SD2015/0109.

⁹ Subs (1) amended by SD155/10 Sch 5.

¹⁰ Subs (2) amended by SD155/10 Sch 5.

¹¹ S 6 amended by SD155/10 Sch 3.

¹² Para (b) amended by Education Act 2001 Sch 10.

¹³ Subs (1) substituted by Disability Discrimination Act 2006 Sch 5.

¹⁴ Para (a) amended by Disability Discrimination Act 2006 Sch 5.

¹⁵ Subs (2) substituted by Chronically Sick and Disabled Persons (Amendment) Act 1992 s 4 and amended by Disability Discrimination Act 2006 Sch 5.

¹⁶ Subs (2A) substituted by Statutory Boards Act 1987 Sch 3 and amended by Disability Discrimination Act 2006 Sch 5.

- ¹⁷ Subs (3) amended by Disability Discrimination Act 2006 Sch 5.
- ¹⁸ Subs (4) amended by Disability Discrimination Act 2006 Sch 5.
- ¹⁹ Subs (4A) inserted by Chronically Sick and Disabled Persons (Amendment) Act 1992 s 4 and amended by Disability Discrimination Act 2006 Sch 5 and by Public Services Commission Act 2015 Sch.
- ²⁰ Subss (5) and (6) repealed by Statutory Boards Act 1987 Sch 4.
- ²¹ Subs (7) repealed by Payment of Members' Expenses Act 1989 Sch 2.
- ²² Subs (8) inserted by Disability Discrimination Act 2006 Sch 5.
- ²³ Subs (1) amended by Health and Social Security Act 1986 Sch 2.
- ²⁴ Subs (2) amended by Health and Social Security Act 1986 Sch 2.
- ²⁵ S 11 repealed by Chronically Sick and Disabled Persons (Amendment) Act 1992 Sch.
- ²⁶ Subs (1) amended by Education Act 2001 Sch 10, by SD155/10 Sch 10 and by SD2017/0325.
- ²⁷ Subs (2) repealed by Education Act 2001 Sch 11.
- ²⁸ S 13 amended by Health and Social Security Act 1986 Sch 2 and by Disability Discrimination Act 2006 Sch 5.
- ²⁹ Definition of "the 1951 Act" repealed by Social Services Act 2011 Sch 3.
- ³⁰ Definition of "the Advisory Council" inserted by Disability Discrimination Act 2006 Sch 5.
- ³¹ Definition of "Appointments Commission" inserted by Social Services Act 2011 Sch 3.
- ³² Definition of "the Committee" repealed by Disability Discrimination Act 2006 Sch 5.
- ³³ Definition of "continuing education" inserted by Education Act 2001 Sch 10.
- ³⁴ Definition of "the Department" substituted by SD2014/08.
- ³⁵ Definition of "further education" repealed by Education Act 2001 Sch 11.
- ³⁶ Definition of "the L.G.B." repealed by SD155/10 Sch 3.
- ³⁷ Definition of "shop premises" substituted by Shops Act 1985 Sch 1.
- ³⁸ ADO (whole Act) 1/8/1982 (GC168/82).