



Isle of Man

Ellan Vannin

AT 9 of 1988

**NURSING AND RESIDENTIAL HOMES
ACT 1988**



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Index

Section	Page
<hr/>	
	<i>Introductory</i>
1	Homes to which Act applies5
	<i>Registration of homes</i>
2	Registration of homes.....7
3	Optional registration9
4	Registration conditions9
5	Refusal of registration10
6	Cancellation of registration10
	<i>Procedure</i>
7	Ordinary procedure for registration etc11
8	Decision of Department12
9	Urgent procedure for cancellation etc12
10	Appeals13
11	Effect of death or cancellation.....13
12	Inspection of registers14
12A	Minors accommodated in homes14
	<i>Regulations</i>
13	Regulations15
	<i>Offences</i>
14	Prohibition of holding out premises as home.....16
14A	Ill-treatment of residents of nursing homes etc.....17
15	Bodies corporate17
16	Defences17
	<i>Miscellaneous and supplemental</i>
17	Inspection of homes and visiting of patients18
18	Service of documents19
19	Meaning of 'relative'19
20	Interpretation.....19
21	Transitional provisions and amendments.....20
22	Short title and commencement20

SCHEDULE 1	21
SCHEDULE 2	21
AMENDMENT OF ENACTMENTS	21
SCHEDULE 3	21
ENDNOTES	23
TABLE OF LEGISLATION HISTORY	23
TABLE OF RENUMBERED PROVISIONS	23
TABLE OF ENDNOTE REFERENCES	23

**Isle of Man***Ellan Vannin*

NURSING AND RESIDENTIAL HOMES ACT 1988

Received Royal Assent: 30 March 1988
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AN ACT to make fresh provision for the registration and regulation of nursing and residential care homes; and for connected purposes.

GENERAL NOTE: The maximum fines in this Act are as increased by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

Introductory

1 Homes to which Act applies

- (1) Subject to subsections (2) to (5), this Act applies to the following classes of premises (in this Act referred to as ‘homes to which this Act applies’) —
- (a) any premises which provide or are intended to provide, whether for reward or not, residential accommodation with both board and personal care for persons in need of personal care by reason of old age, disablement, past or present dependence on alcohol or drugs, or past or present mental disorder (in this Act referred to as a ‘residential care home’);
 - (b) any premises used or intended to be used for the reception of, and the provision of nursing or other medical treatment (including care, habilitation or rehabilitation under medical supervision) for, one or more mentally disordered persons, whether exclusively or in common with other persons (in this Act referred to as a ‘mental nursing home’);
 - (c) any premises, not being a mental nursing home, which are used or intended to be used —
 - (i) for the reception of, and the provision of nursing for, persons suffering from any sickness, injury or infirmity; or

- (ii) for the reception of pregnant women or of women immediately after childbirth; or
 - (iii) for the provision of all or any of the services specified in subsection (6);
(any of which premises are in this Act referred to as a 'nursing home', and premises falling within sub-paragraph (ii) are in this Act referred to as a 'maternity home').
- (2) This Act does not apply to the following premises —
- (a) any hospital (within the meaning of the *National Health Service Act 2001*) vested in the Department;¹
 - (aa) any children's home (within the meaning of the *Children and Young Persons Act 2001*);²
 - (b) any school (within the meaning of the *Education Act 2001*); or³
 - (c) any other establishment or premises maintained or controlled by a Department.
- (3) The definition of 'residential care home' in subsection (1)(a) does not include premises which provide or are intended to provide residential accommodation with both board and personal care, otherwise than for reward, for fewer than 4 persons; and in determining whether premises fall within that definition, no account shall be taken of anyone provided with such accommodation there who is a person —
- (a) carrying on or intending to carry on the home, or
 - (b) employed or intended to be employed there,
- or a relative of such a person.
- (4) For the purpose of subsection (3) —
- (a) 'reward' includes any form of consideration given or received wholly or partly in connection with the provision of any accommodation, or of board or personal care provided with any accommodation, irrespective of the person by whom it is given or received; and
 - (b) accommodation with board and personal care shall be taken as provided for reward even though a person provides them, or any part of them, otherwise than for profit.
- (5) The definition of 'nursing home' in subsection (1)(c) does not include —
- (a) any sanatorium provided at a school or educational establishment and used or intended to be used solely by persons in attendance at, or members of the staff of, that school or establishment or members of their families;
 - (b) any first aid or treatment room provided at a factory, office, shop or railway premises or at a sports ground, show ground or place of public entertainment;

- (c) any premises used or intended to be used wholly or mainly —
 - (i) by a qualified medical practitioner for the purpose of consultations with his patients;
 - (ii) by a qualified dental practitioner or chiropodist for the purpose of treating his patients; or
 - (iii) for the provision of occupational health facilities, unless they are used or intended to be used for the provision of any of the services specified in subsection (6), not being premises prescribed under paragraph (e);
 - (d) any premises used or intended to be used wholly or mainly as a private dwelling;
 - (e) any other premises which may be prescribed for the purposes of this subsection.
- (6) The services mentioned in subsections (1)(c)(iii) and (5)(c) are —
- (a) the carrying out of surgical procedures under anaesthesia;
 - (b) endoscopy;
 - (c) haemodialysis or peritoneal dialysis; and
 - (d) any other technique of medicine or surgery (including cosmetic surgery) as to which the Department is satisfied that its use may create a hazard for persons treated by means of it or for the staff of any premises where the technique is used, and which is prescribed for the purposes of this subsection.

Registration of homes

2 Registration of homes

- (1) The Department shall maintain a register for each class of homes to which this Act applies, namely —
 - (a) residential care homes;
 - (b) mental nursing homes; and
 - (c) nursing homes.
- (2) Any person who carries on a home to which this Act applies without being registered in the appropriate register or registers under this Act in respect of that home shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000.
- (3) Where any premises fall within more than one class of homes to which this Act applies, the requirement to be registered under this Act is a requirement to be registered in each of the appropriate registers under this Act.

- (4) Where the person carrying on or intending to carry on a home to which this Act applies is not the person who is or is intended to be in charge of the premises, both of those persons are to be treated as carrying on or intending to carry on the home, and accordingly as requiring to be registered under this Act.
- (5) An application for registration under this Act —
 - (a) shall be made to the Department;
 - (b) shall be accompanied by a fee of such amount as may be prescribed;
 - (c) in the case of a mental nursing home, shall state whether or not it is proposed to receive in the home patients who are liable to be detained under the provisions of the *Mental Health Act 1998*; and⁴
 - (d) in the case of a nursing home, shall state whether or not it is proposed to receive in this home pregnant women or women immediately after childbirth.
- (6) Subject to section 5, the Department shall, on receiving an application under subsection (5), register the applicant in respect of the home named in the application, and shall issue to the applicant a certificate of registration.
- (7) Where a person is registered in pursuance of an application stating that it is proposed to receive in the home such patients as are described in subsection (5)(c) —
 - (a) that fact shall be specified in the certificate of registration; and
 - (b) the particulars of the registration shall be entered by the Department in a separate part of the register of mental nursing homes.
- (8) Where a person is registered in pursuance of an application stating that the home is used or intended to be used for the reception of pregnant women or women immediately after childbirth —
 - (a) that fact shall be specified in the certificate of registration; and
 - (b) the particulars of the registration shall be entered by the Department in a separate part of the register of nursing homes.
- (9) The certificate of registration issued under this Act in respect of any home to which this Act applies shall be kept affixed in a conspicuous place in the home, and if default is made in complying with this subsection, the person carrying on the home shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500 and to a further fine not exceeding £10 for each day on which the offence continues after conviction.
- (10) The Department may issue a duplicate certificate of registration in such circumstances, and on payment of such fee, as may be prescribed.

3 Optional registration

- (1) A person who —
 - (a) is registered under this Act in respect of any premises; and
 - (b) would be required to be registered in the register maintained for residential care homes in respect of them under this Act but for section 1(3),may apply to be registered in the said register in respect of those premises.
- (2) If such a person does so apply, this Act shall have effect in relation to him as if those premises were a residential care home.

4 Registration conditions

- (1) It shall be a condition of the registration of any person in respect of a home to which this Act applies that —
 - (a) in the case of a residential care home, the number of persons for whom residential accommodation with board and personal care is provided, or
 - (b) in any other case, the number of persons kept,at any one time in the home (excluding persons carrying on or employed at the home and their relatives) does not exceed such number as may be specified in the certificate of registration.
- (2) Without prejudice to subsection (1), any such registration may be effected subject to such conditions as the Department may consider appropriate —
 - (a) for regulating the age, sex or other category of persons who may be received in the home in question; or
 - (b) for restricting the number of persons who may be accommodated in any particular room or rooms in the home;and any condition imposed by virtue of paragraph (a) shall be specified in the certificate of registration.
- (3) The Department may from time to time —
 - (a) vary or remove any condition for the time being in force in respect of a home by virtue of this section, or
 - (b) impose an additional condition,either on the application of a person registered in respect of it or without such an application.
- (4) If any condition for the time being in force in respect of a home by virtue of this section is not complied with, the person carrying on the home shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.

5 Refusal of registration

- (1) The Department may refuse to register an applicant in respect of a home to which this Act applies if they are satisfied —
 - (a) that the applicant, or any person employed or proposed to be employed by the applicant at the home, is not a fit person (whether by reason of age or otherwise) to carry on or be employed at a home of such a class as that named in the application; or
 - (b) that, for reasons concerned with situation, construction, state of repair, accommodation, staffing or equipment (but subject to the provisions of any regulations under section 13(1) or (2)(b)), the home is not, or any premises used in connection with the home are not, fit to be used for a home of that class; or
 - (c) that the home is, or any premises used in connection with the home are, used, or proposed to be used, for purposes which are in any way improper or undesirable in the case of a home of that class; or
 - (d) that the way in which it is intended to carry on the home is such as not to provide services or facilities reasonably required; or
 - (e) in the case of a nursing home or a mental nursing home, that the home is not, or will not be, in the charge of a person who is either a qualified medical practitioner or a qualified nurse or, in the case of a maternity home, a registered midwife; or
 - (f) in the case of a nursing home or a mental nursing home, that the following condition is not, or will not be, fulfilled in relation to the home, namely that such number of nurses possessing such qualifications, and in the case of a maternity home, such number of registered midwives, specified in a notice served by the Department on the person carrying on or proposing to carry on the home are on duty in the home at such times as may be so specified.
- (2) In subsection (1)(e) 'qualified nurse', in relation to a home, means a nurse possessing such qualifications as may be prescribed in the case of the class of home in question.

6 Cancellation of registration

- (1) The Department may at any time cancel the registration of a person in respect of a home to which this Act applies —
 - (a) on any ground which would entitle them to refuse an application for the registration of that person in respect of that home;
 - (b) on the ground that that person has been convicted of an offence against the provisions of this Act, or that any other person has been convicted of such an offence in respect of that home;

- (c) on the ground that any condition for the time being in force in respect of the home by virtue of this Act has not been complied with;
 - (d) on the ground that that person has been convicted of an offence against regulations under section 13;
 - (e) on the ground that the annual fee in respect of the home has not been paid on or before the due date; or
 - (f) at the request of that person.
- (2) Where regulations under section 13(1) or (2)(b) have come into force with respect to any class of homes to which this Act applies since the date of registration of any person in respect of a home within that class, the registration may be cancelled on the ground specified in section 5(1)(b) by reason that the home does not comply with any standard specified in those regulations, notwithstanding that the construction, accommodation or equipment of the home or the staffing of the home, as the case may be, has not changed since the date of registration.

Procedure

7 Ordinary procedure for registration etc

- (1) Where —
- (a) a person applies for registration in respect of a home to which this Act applies; and
 - (b) the Department propose to grant his application,
- the Department shall give him notice of their proposal and of the conditions subject to which they propose to grant his application.
- (2) The Department shall give an applicant notice of a proposal to refuse his application.
- (3) Except where they make an order under section 10, the Department shall give any person registered in respect of a home to which this Act applies notice of a proposal —
- (a) to cancel the registration;
 - (b) to vary any condition for the time being in force in respect of the home by virtue of this Act; or
 - (c) to impose any additional condition.
- (4) A notice under this section shall —
- (a) give the Department's reasons for their proposal; and
 - (b) state that within such period as may be specified in the notice (not being less than 21 days beginning with the date of service of the notice) any person on whom it is served may make objections or

representations in writing to the Department concerning the proposal.

- (5) In relation to any proposal mentioned in subsection (1), (2) or (3) the Department —
- (a) shall not make a decision on the proposal before the expiration of the period specified under subsection (4)(b); and
 - (b) shall before making such a decision consider any objections or representations made in accordance with the notice.

8 Decision of Department

- (1) If the Department decide to adopt a proposal mentioned in section 7(1), (2) or (3), they shall serve notice of their decision on any person on whom they were required to serve notice of the proposal.
- (2) A notice under this section shall include an explanation of the right of appeal conferred by section 10.
- (3) A decision of the Department, other than a decision to grant an application for registration subject only to conditions agreed between the applicant and the Department or to refuse an application for registration, shall not take effect —
- (a) if no appeal is brought, until the expiration of the period of 28 days referred to in section 10(2); and
 - (b) if an appeal is brought, until it is determined or abandoned.

9 Urgent procedure for cancellation etc

- (1) The Department may make an order —
- (a) cancelling the registration of a person in respect of a home to which this Act applies;
 - (b) varying any condition for the time being in force in respect of such a home by virtue of this Act; or
 - (c) imposing an additional condition;
- if it appears to the Department that there will be a serious risk to the life, health or well-being of the persons kept at the home unless the order is made, and the cancellation, variation or imposition shall have effect from the date on which the order is made.
- (2) Where such an order is made, the Department shall serve on any person registered in respect of the home, as soon as practicable after the making of the order —
- (a) a copy of the order; and
 - (b) a statement of the Department's reasons for making the order; and

- (c) a note explaining the right of appeal conferred by section 10.

10 Appeals

- (1) An appeal against —
- (a) a decision of the Department under this Act; or
 - (b) an order of the Department under section 9,
- shall lie to the High Bailiff.
- (2) No appeal against a decision or order may be brought by a person more than 28 days after service on him of notice of the decision or order.
- (3) On an appeal against a decision or order of the Department the High Bailiff may —
- (a) confirm the decision or order;
 - (b) direct that the decision or order shall not have effect;
 - (c) vary any condition for the time being in force by virtue of this Act in respect of the home to which the appeal relates;
 - (d) direct that any such condition shall cease to have effect; or
 - (e) direct that any condition he thinks fit shall have effect in respect of the home.
- (4) The Department shall comply with any directions of the High Bailiff given under this section.

11 Effect of death or cancellation

- (1) Where —
- (a) one person only is registered under this Act in respect of a home to which this Act applies, other than a home to which subsections (3) to (5) apply; and
 - (b) that person dies,
- his personal representatives, his surviving spouse or civil partner or any other relative of his may for a period not exceeding 4 weeks from his death, or such longer period as the Department may sanction, carry on the home without being registered in respect of it.⁵
- (2) Subsections (3) to (5) apply to any mental nursing home the particulars of the registration of which are entered in the separate part of the register referred to in section 2(7)(b), and in those subsections ‘patient’ means a person suffering or appearing to be suffering from mental disorder.
- (3) If the registration of any such home is cancelled under section 6 at a time when any patient is liable to be detained in the home under the provisions of the *Mental Health Act 1998*, the registration shall, notwithstanding the cancellation, continue in force —

- (a) until the expiry of the period of 2 months beginning with the date of the cancellation, or
 - (b) until every such patient has ceased to be so liable,
- whichever first occurs.⁶
- (4) If one person only is registered in respect of any such home, and that person dies at a time when any patient is liable to be so detained, the registration shall continue in force —
- (a) until the expiry of the period of 2 months beginning with the death, or
 - (b) until every such patient has ceased to be so liable, or
 - (c) until a person other than the deceased has been registered in respect of the home,
- whichever first occurs.
- (5) A registration continued in force by virtue of subsection (4) shall continue in force —
- (a) as from the grant of representation to the estate of the deceased, for the benefit of the personal representative of the deceased; and
 - (b) pending the grant of such representation, for the benefit of any person approved for the purpose by the Department.
- (6) For the purposes of this Act, a person for whose benefit the registration continues in force by virtue of subsection (4) shall be treated as registered in respect of the home.

12 Inspection of registers

The registers kept by the Department for the purposes of this Act shall be available for inspection at all reasonable times, and any person inspecting any such register shall be entitled to make copies of entries in the register on payment of such reasonable fee as the Department may determine.

12A Minors accommodated in homes

- (1) The person carrying on a home to which this Act applies shall notify the Department where a minor is provided with accommodation in the home —
 - (a) for a consecutive period of at least 3 months, or
 - (b) with the intention, on the part of the person taking the decision to accommodate him, of accommodating him for such a period.
- (2) That person shall also notify the Department when he ceases to accommodate the minor in the home.
- (3) Where the Department has been notified under subsection (1), it shall —

- (a) take such steps as are reasonably practicable to enable it to determine whether the minor's welfare is adequately safeguarded and promoted while he is accommodated in the home; and
 - (b) consider the extent to which (if at all) it should exercise any of its functions under the *Children and Young Persons Act 2001* with respect to him.
- (4) If the person carrying on any home fails without reasonable cause to comply with subsection (1) he is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.⁷

Regulations

13 Regulations

- (1) The Department may make regulations specifying standards of construction, accommodation and equipment which are to be complied with by any class of homes to which this Act applies.
- (2) The Department may make regulations as to the conduct of homes to which this Act applies, and in particular —
 - (a) as to the facilities and services to be provided in such homes;
 - (b) as to the numbers and qualifications of staff to be employed in such homes;
 - (c) as to the numbers of suitably qualified and competent staff to be on duty in such homes;
 - (d) with respect to entry into and the inspection of premises used or reasonably believed to be used as a home to which this Act applies, and the exercise on behalf of the Department of the powers conferred by section 17;
 - (e) with respect to the keeping of records relating to such homes, including records relating to the detention and treatment of persons detained under the *Mental Health Act 1998* in a mental nursing home;⁸
 - (f) with respect to the notification of events occurring in such homes;
 - (g) as to the giving of notice by a person of a description specified in the regulations of periods during which any person of a description so specified proposes to be absent from a nursing home;
 - (h) as to the information to be supplied in such a notice;
 - (i) making provision for children under the age of 18 years who are resident in residential care homes to receive a religious upbringing appropriate to the religious persuasion to which they belong;

- (j) providing for the making of adequate arrangements for the running of a home to which this Act applies during a period when the person in charge of it is absent from it;
 - (k) requiring a notice stating the effect of any condition imposed by virtue of section 4(2)(b) to be displayed in any room to which the condition relates.
- (3) The Department may make regulations as to registration under this Act, and in particular –
- (a) requiring persons registered under this Act to pay an annual fee of such amount as the regulations may specify;
 - (b) specifying when the fee is to be paid;
 - (c) as to the form of registers to be kept for the purposes of this Act and the particulars to be contained in them;
 - (d) as to the information to be supplied on an application for registration; and
 - (e) prescribing anything which by this Act may be prescribed.
- (4) Regulations under this section may provide that a contravention of or failure to comply with any specified provision of the regulations shall be an offence against the regulations; and a person guilty of such an offence shall be liable on summary conviction to a fine not exceeding £1,000.
- (5) Regulations under this section shall not have effect unless they are approved by Tynwald.

Offences

14 Prohibition of holding out premises as home

- (1) A person who, with intent to deceive any person –
- (a) applies any name to premises in the Island; or
 - (b) in any way describes such premises or holds such premises out,
- so as to indicate, or so as reasonably to be understood to indicate, that the premises are a home to which this Act applies, or within any class of such homes, shall be guilty of an offence unless registration has been effected in the appropriate register under this Act in respect of the premises as a residential care home, mental nursing home or nursing home, as the case may be.
- (2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £1,000.

14A Ill-treatment of residents of nursing homes etc

- (1) It is an offence for any person mentioned in subsection (2) to ill-treat or intentionally neglect a person who is for the time being resident in a nursing home or residential home.
- (2) The persons referred to in subsection (1) are —
 - (a) the proprietor of the home;
 - (b) any manager, officer, employee or any other person employed in the home; and
 - (c) any person who is for the time being providing care or services for any resident of the home.
- (3) Any person guilty of an offence under this section shall be liable —
 - (a) on summary conviction, to custody for a term not exceeding 6 months or to a fine not exceeding £5,000, or to both;
 - (b) on conviction on information, to custody for a term not exceeding 2 years or to a fine, or to both.
- (4) No proceedings shall be instituted for an offence under this section except by or with the consent of the Attorney General.⁹

15 Bodies corporate

Where an offence under this Act or any regulations under it which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

16 Defences

- (1) In any proceedings for an offence under this Act, subject to subsection (2), it shall be a defence for the person charged to prove —
 - (a) that the commission of the offence was due to a mistake or to reliance on information supplied to him or to the act or default of another person, an accident or some other cause beyond his control; and
 - (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.
- (2) If in any such case the defence provided by subsection (1) involves the allegation that the commission of the offence was due to the act or default of another person or to reliance on information supplied by another person, the person charged shall not, without leave of the court,

be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.

Miscellaneous and supplemental

17 Inspection of homes and visiting of patients

- (1) Subject to the provisions of this section, any person authorised in that behalf by the Department may at any time, after producing, if asked to do so, some duly authenticated document showing that he is so authorised, enter and inspect any premises which are used, or which that person has reasonable cause to believe to be used, for the purposes of a home to which this Act applies, and may inspect any records kept in pursuance of regulations under section 13(2)(e).
- (2) A person authorised under subsection (1) to inspect a home to which this Act applies may visit and interview in private any person residing in the home —
 - (a) for the purpose of investigating any complaint as to his treatment made by or on behalf of the resident; or
 - (b) in any case where the person so authorised has reasonable cause to believe that the resident is not receiving proper care;

and where the person so authorised is a qualified medical practitioner, he may examine the resident in private, and may require the production of, and inspect, any medical records relating to the resident's treatment in that home.

- (3) Any person who refuses to allow the inspection of any premises, or without reasonable cause refuses to allow the visiting, interviewing or examination of any person by a person authorised in that behalf under this section or to produce for the inspection of any person so authorised any document or record the production of which is duly required by him, or otherwise obstructs any such person in the exercise of his powers under this section, shall be guilty of an offence.
- (4) Without prejudice to the generality of subsection (3), any person who insists on being present when requested to withdraw by a person authorised as aforesaid to interview or examine a person in private shall be guilty of an offence.
- (5) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £2,500.

18 Service of documents

For the purposes of service of any notice under this Act on a person carrying on a home to which this Act applies, references in section 41 of the *Interpretation Act 1976* to his usual or last known place of business shall be treated as including references to the home in question.

19 Meaning of 'relative'

- (1) In this Act 'relative' means any of the following —
 - (a) husband or wife;
 - (b) son or daughter;
 - (c) father or mother;
 - (d) brother or sister;
 - (e) grandparent or other ascendant;
 - (f) grandchild or other descendant;
 - (g) uncle or aunt;
 - (h) nephew or niece.
- (2) In deducing any relationship for the purposes of subsection (1) —
 - (a) any relationship by affinity shall be treated as a relationship by consanguinity, any relationship of the half-blood as a relationship of the whole blood, and the stepchild of any person as his child; and
 - (b) an illegitimate person shall be treated as the legitimate child of his mother and reputed father.
- (3) In this section 'husband' and 'wife' include a person who is living with a person carrying on or intending to carry on a residential care home as that person's husband or wife, as the case may be, and who has been so living for a period of not less than 6 months.
- (4) A person, other than a relative, with whom a person carrying on or intending to carry on a residential care home ordinarily resides, and with whom that person has been ordinarily residing for a period of not less than 5 years shall be treated for the purposes of this Act as if he were a relative.

20 Interpretation

In this Act —

"the appropriate register", in relation to a home of any class, means the register maintained for homes of that class under section 2(1);

"the Department" means the Department of Social Care;¹⁰

“**disabled**” means blind, deaf or dumb or substantially and permanently handicapped by illness, injury or congenital deformity or any other prescribed disability, and “**disablement**” shall be construed accordingly;

“**maternity home**” has the meaning given by section 1(1)(c);

“**mental disorder**” has the same meaning as in the *Mental Health Act 1998*;¹¹

“**mentally disordered**” means suffering, or appearing to be suffering, from mental disorder;

“**mental nursing home**” has the meaning given by section 1(1)(b);

“**notice**” means a notice in writing;

“**nursing home**” has the meaning given by section 1(1)(c);

“**personal care**” means care which includes assistance with bodily functions where such assistance is required;

“**prescribed**” means prescribed by regulations made by the Department;

“**relative**” has the meaning given by section 19;

“**registered**”, in relation to a nurse or a midwife, has the same meaning as in the *Nurses and Midwives Act 1947*;

“**residential care home**” has the meaning given by section 1(1)(a).

21 Transitional provisions and amendments

- (1) [Repealed]¹²
- (2) The enactments specified in Schedule 2 are amended in accordance with that Schedule.
- (3) [Repealed]¹³

22 Short title and commencement

- (1) This Act may be cited as the Nursing and Residential Homes Act 1988.
- (2) This Act shall come into operation on such day or days as the Department may by order appoint, and different days may be so appointed as respects different classes of homes to which this Act applies.¹⁴

SCHEDULE 1¹⁵

SCHEDULE 2

AMENDMENT OF ENACTMENTS

Section 21(2)

[Sch 2 amended by Sexual Offences Act 1992 Sch 4, by Mental Health Act 1998 Sch 6 and by National Health Service Act 2001 Sch 5, and amends the following Acts and Order —

Criminal Justice Act 1963 q.v.

Fire Precautions (Nursing Homes) Order 1983 (GC173/83)

Adoption Act 1984 q.v.

Limitation Act 1984 q.v.]

SCHEDULE 3¹⁶

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

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- ¹ Para (a) amended by National Health Service Act 2001 Sch 4.
- ² Para (aa) inserted by Children and Young Persons Act 2001 Sch 12.
- ³ Para (b) amended by Education Act 2001 Sch 10.
- ⁴ Para (c) amended by Mental Health Act 1998 Sch 5.
- ⁵ Subs (1) amended by Civil Partnership Act 2011 Sch 14.
- ⁶ Subs (3) amended by Mental Health Act 1998 Sch 5.
- ⁷ S 12A inserted by Children and Young Persons Act 2001 Sch 12.
- ⁸ Para (e) amended by Mental Health Act 1998 Sch 5.
- ⁹ S 14A inserted by Criminal Justice Act 2001 s 6.
- ¹⁰ Definition of 'the Department' amended by SD155/10 Sch 6.
- ¹¹ Definition of 'mental disorder' amended by Mental Health Act 1998 Sch 5.
- ¹² Subs (1) repealed by Statute Law Revision Act 1997 Sch 2.
- ¹³ Subs (3) repealed by Statute Law Revision Act 1992 Sch 2.
- ¹⁴ ADO (nursing homes and mental nursing homes) 1/6/1989 (GC176/89). ADO (residential care homes) 1/1/1990 (GC386/89).
- ¹⁵ Sch 1 repealed by Statute Law Revision Act 1997 Sch 2.
- ¹⁶ Sch 3 repealed by Statute Law Revision Act 1992 Sch 2.