



# Registered Homes (Amendment) Act 1991

## 1991 CHAPTER 20

An Act to amend Part I of the Registered Homes Act 1984 so as to require registration in respect of small residential care homes; and for connected purposes. [27th June 1991]

<sup>F1</sup>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:—

### Annotations:

#### Amendments (Textual)

**F1** Act repealed (1.4.2002 for E. W.) by 2000 c. 14, ss. 117(2), 122, **Sch. 6**; S.I. 2001/4150, **art. 3(3)(c)(x)** (with transitional provisions in **art. 4** and S.I. 2002/1493, **art. 4**); S.I. 2002/920, **arts. 2, 3(3)(g)(vii)(5)-(10)** (subject to transitional provisions in **Schs. 1-3**)

## 1 Registration in respect of small residential care homes.

(1) Part I of the <sup>M1</sup>Registered Homes Act 1984 (residential care homes) is amended as follows.

(2) In section 1 (requirement of registration), for subsection (4) (exemption for small homes) substitute—

“(4) Registration under this Part of this Act is not required in respect of a small home—

- (a) if the only persons for whom it provides or is intended to provide residential accommodation with both board and personal care are persons carrying on or intending to carry on the home or employed or intended to be employed there or their relatives, or
- (b) in such other cases as may be prescribed by the Secretary of State.

(4A) In this Part a “small home” means an establishment which provides or is intended to provide residential accommodation with both board and personal care for fewer than 4 persons, excluding persons carrying on or intending to

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*Changes to legislation: There are currently no known outstanding effects for the Registered Homes (Amendment) Act 1991. (See end of Document for details)*

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carry on the home or employed or intended to be employed there and their relatives.

(4B) The references in subsections (4) and (4A) to the persons for whom residential accommodation is or is intended to be provided relate only to persons who are 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.”

(3) For section 4 (optional registration of small homes also registered under Part II) substitute—

**“4 Registration in respect of small home registered under Part II.**

(1) A person who—

(a) is required to be registered under this Part in respect of a small home, and

(b) is registered under Part II of this Act in respect of the same premises, may apply to be registered under this Part as if the home were not a small home.

(2) If he does so the provisions of this Part have effect as in relation to a home which is not a small home.”

(4) In section 5 (general provisions as to registration), after subsection (2) insert—

“(2A) In the case of an application for registration in respect of a small home, the registration authority may waive the whole or part of the registration fee; and in such a case the references in subsections (1) and (2) above to the registration fee shall be construed as references to such registration fee (if any) as may be payable.”;

and in subsection (6) (duty to exhibit certificate of registration) for “any home” substitute “ a home other than a small home ”.

(5) In section 8 (annual fee for registration), make the present provision subsection (1) and after it insert—

“(2) In the case of registration in respect of a small home, the registration authority may waive the whole or part of the annual fee; and in such a case the reference in section 10(b) below to the annual fee shall be construed as a reference to such annual fee (if any) as may be payable.”.

(6) After section 8 insert—

**“8A Annual return in respect of small home.**

(1) The Secretary of State may by regulations require a person registered under this Part in respect of a small home to make an annual return to the registration authority.

(2) Provision may be made by the regulations as to the contents of the return and the period in respect of which and date by which it is to be made.”.

(7) In section 9 (grounds for refusal of registration), make the present provision subsection (1), in that provision after “residential care home” insert “ (other than a small home) ” and after it insert—

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- “(2) The registration authority may refuse to register an applicant for registration in respect of a small home only if they are satisfied that he or any other person concerned or intended to be concerned in carrying on the home is not a fit person to be concerned in carrying on a residential care home.”.
- (8) In section 10 (grounds for cancellation of registration), after paragraph (b) insert—
- “(bb) in the case of a small home, on the ground that the annual return has not been duly made in accordance with regulations under section 8A above; or”.
- (9) In section 20 (interpretation), in subsection (1) at the appropriate place insert—
- ““small home” has the meaning given by section 1(4A) above;”.

**Annotations:**

**Commencement Information**

**II** S. 1 wholly in force at 1.4.1993 see s. 2(2) and S.I. 1992/2240, art. 2

**Marginal Citations**

**M1** 1984 c. 23.

## **2 Short title, commencement, transitional provisions and consequential amendments.**

- (1) This Act may be cited as the Registered Homes (Amendment) Act 1991.
- (2) This Act comes into force on such day (“the appointed day”) as the Secretary of State may appoint by order made by statutory instrument.
- (3) Where by virtue of section 13 of the <sup>M2</sup>Interpretation Act 1978 (anticipatory exercise of powers) an application is made before the appointed day for registration required by virtue of this Act in respect of an establishment, and the application is not finally determined by that day, the applicant shall for the purposes of Part I of the <sup>M3</sup>Registered Homes Act 1984 be deemed to be registered in respect of that establishment until the application is finally determined.

For this purpose an application shall be treated as finally determined—

- (a) if the application is granted unconditionally or subject only to such conditions as are mentioned in section 12(2) of that Act, when notice of the decision is served on the applicant; and
- (b) if the application is refused or is granted subject to other conditions—
- (i) on the expiry of the period mentioned in section 15(3) of that Act without any appeal against the decision having been brought, or
- (ii) if an appeal is brought within that period, on the appeal being determined or abandoned.
- (4) Where immediately before the appointed day a person is registered in respect of an establishment by virtue of section 4 of the <sup>M4</sup>Registered Homes Act 1984 (optional registration in respect of small homes also registered under Part II), the registration shall have effect thereafter as if granted on an application made under section 4 as substituted by this Act.

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This applies whether or not the establishment is one in respect of which registration is required by virtue of this Act.

- (5) In section 26 of the <sup>M5</sup>National Assistance Act 1948 (arrangements for provision of accommodation)—
- <sup>F2</sup>(a) in subsection (1) (accommodation in residential care home), in paragraph (b) for “by virtue of the home being a small home or” substitute “ by virtue of section 1(4)(a) or (b) of that Act (certain small homes) or by virtue of ”; and]
- (b) in subsection (7) (interpretation) omit the definition of “small home”.
- (6) In the following provisions of the <sup>M6</sup>Children Act 1989 (under which residential care homes are excluded from registration or other controls under that Act) after “residential care home” insert “ (other than a small home) ”
- section 60(3)(a) (registration of voluntary homes),
- section 63(5)(c) (registration of children’s homes),
- section 87(2) (welfare of children accommodated in independent schools), and
- paragraph 2(1)(f) of Schedule 8 (privately fostered children);
- and in section 105(1) (interpretation), at the end of the definition of “residential care home” add “ and “small home” has the meaning given by section 1(4A) of that Act ”.

#### Annotations:

#### Subordinate Legislation Made

**P1** S. 2(2) power fully exercised (15.9.1992); 1.4.1993 appointed for whole Act by S.I. 1992/2240, **art. 2**

#### Amendments (Textual)

**F2** S. 2(5)(a) repealed (E.W.)(1.4.1993) by Community Care (Residential Accommodation) Act 1992 (c. 49), **s. 1(2)(b)**; S.I. 1992/2976, **art.2**.

#### Commencement Information

**I2** S. 2 wholly in force at 1.4.1993 see s. 2(2) and S.I. 1992/2240, **art. 2**

#### Marginal Citations

**M2** 1978 c. 30.

**M3** 1984 c. 23.

**M4** 1984 c. 23.

**M5** 1948 c. 29.

**M6** 1989 c. 41.

**Changes to legislation:**

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