



# Registered Homes (Amendment) Act 1991

## 1991 CHAPTER 20

### **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>M1</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>M2</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>M3</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.

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

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*Changes to legislation: There are currently no known outstanding effects for the Registered Homes (Amendment) Act 1991, Section 2. (See end of Document for details)*

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- (5) In section 26 of the <sup>M4</sup>National Assistance Act 1948 (arrangements for provision of accommodation)—
- <sup>F1</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>M5</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 ”.

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#### 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**

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#### Textual Amendments

**F1** [S. 2\(5\)\(a\)](#) repealed (E.W.)(1.4.1993) by [Community Care \(Residential Accomodation\) Act 1992](#) (c. 49), **s. 1(2)(b)**; [S.I. 1992/2976](#), **art.2**.

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#### Commencement Information

**I1** [S. 2](#) wholly in force at 1.4.1993 see [s. 2\(2\)](#) and [S.I. 1992/2240](#), **art. 2**

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#### Marginal Citations

**M1** 1978 c. 30.  
**M2** 1984 c. 23.  
**M3** 1984 c. 23.  
**M4** 1948 c. 29.  
**M5** 1989 c. 41.

**Changes to legislation:**

There are currently no known outstanding effects for the Registered Homes (Amendment) Act 1991, Section 2.