



National Assistance Act 1948

1948 CHAPTER 29

PART IV

GENERAL AND SUPPLEMENTARY.

*Registration etc. of homes for disabled persons
and the aged and charities for disabled persons.*

37 Registration of disabled persons' and old persons' homes.

- (1) If any person carries on a disabled persons' or old persons' home without being registered under this section in respect thereof, he shall be liable on summary conviction to a fine not exceeding fifty pounds or, in the case of a second or subsequent offence, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine.
- (2) An application for registration under this section shall be made to the registration authority, that is to say the council of the county, county borough or large burgh in the area of which the home is situated, and shall be accompanied by a fee of live shillings.
- (3) Subject to the provisions of this section the registration authority shall, on receipt of an application under the last foregoing subsection, register the applicant in respect of the home named in the application and issue to him a certificate of registration:

Provided that the authority may by order refuse to register the applicant if they are satisfied—

- (a) that he or any person employed or proposed to be employed by him in the management of the home or any part thereof is not a fit person, whether by reason of age or otherwise, to carry on or to be so employed at a home of such a description as the home named in the application; or
- (b) that for reasons connected with situation, construction, state of repair, accommodation, staffing or equipment, the home or any premises used in connection therewith are not fit to be used for a home of such a description as aforesaid; or

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- (c) that the way in which it is proposed to conduct the home is such as not to provide services or facilities reasonably required by persons resorting to such a home.
- (4) The registration authority may by order at any time cancel the registration of a person in respect of a home on any ground which would entitle them to refuse an application for the registration of that person in respect of that home or on the ground that that person has been convicted of an offence against this section or against regulations under this Part of this Act relating to the conduct of disabled persons' or old persons' homes, or on the ground that any other person has been convicted of such an offence in respect of that home.
- (5) The certificate of registration under this section issued in respect of any home 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 liable on summary conviction to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor.
- (6) . Notwithstanding anything in subsection (1) of this section, where the person registered under this section in respect of a home dies his executor or his widow or any other member of his family may for a period not exceeding four weeks from his death, or such longer period as the registration authority may sanction, carry on the home without being registered in respect thereof.
- (7) Where an offence against this section or any regulations under this Part of this Act relating to disabled persons' or old persons' homes has been committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.
- (8) The registers kept for the purposes of this section shall be available for inspection at all reasonable times, and a person inspecting any such register shall be entitled to make copies of entries therein on payment of such fee (if any), not exceeding one shilling for each entry, as the registration authority may determine.
- (9) In this Act the expression " disabled persons' or old persons' home " means any establishment the sole or main object of which is, or is held out to be, the provision of accommodation, whether for reward or not, for persons to whom section twenty-nine of this Act applies or for the aged or for both:

Provided that the said expression does not include—

- (a) any hospital maintained in pursuance of an Act of Parliament,
- (b) any institution for persons of unsound mind within the meaning of the Lunacy and Mental Treatment Acts, 1890 to 1930 or any mental hospital within the meaning of the Lunacy (Scotland) Acts, 1857 to 1913,
- (c) any institution, house or home certified or approved under the Mental Deficiency Acts, 1913 to 1927 or the Mental Deficiency (Scotland) Acts, 1913 and 1940,
- (d) any nursing home as defined in Part VI of the Public Health Act, 1936, or the Nursing Homes Registration (Scotland) Act, 1938,

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- (e) any voluntary home as defined in Part V of the Children and Young Persons Act, 1933, or Part VI of the Children and Young Persons (Scotland) Act, 1937.
- (f) any other premises being premises managed by a Government department or local authority, the Scottish Special Housing Association, or any other authority or body constituted by special Act of Parliament or incorporated by Royal Charter, or
- (g) any existing establishment exempted from the operation of this section by or under regulations of the Minister of Health made after consultation with the Charity Commissioners, or as respects Scotland by or under regulations made by the Secretary of State.

In the last foregoing paragraph the expression " existing establishment " means an establishment which was being carried on immediately before the coming into operation of this section, but no establishment so carried on shall be exempted under that paragraph as respects any premises in which it was not being carried on immediately before the coming into operation of this section.