
 STATUTORY INSTRUMENTS

1981 No. 977 (S.100)

PUBLIC HEALTH, SCOTLAND

**The Nursing Homes Registration (Scotland) Amendment
Regulations 1981**

<i>Made</i> - - - -	2nd July 1981
<i>Laid before Parliament</i>	10th July 1981
<i>Coming into Operation</i>	1st August 1981

In exercise of the powers conferred on me by sections 1(2), 3A and 4 of the Nursing Homes Registration (Scotland) Act 1938(a), as read with section 1 of the Reorganisation of Offices (Scotland) Act 1939(b), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Nursing Homes Registration (Scotland) Amendment Regulations 1981 and shall come into operation on 1st August 1981.

(2) In these regulations “the principal regulations” means the Nursing Homes Registration Regulations (Scotland) 1938(c).

Amendment of principal regulations

2. For regulation 2(1) of the principal regulations, there shall be substituted the following regulation:—

“2.—(1) In these regulations, unless the context otherwise requires:—

“the Act” means the Nursing Homes Registration (Scotland) Act 1938;

“application” means an application for the registration of a person in respect of a nursing home under the Act and “applicant” shall be construed accordingly;

“authorised person” means a person authorised by the Secretary of State, or by a Health Board to exercise the powers conferred by Regulation 6 of these regulations;

“Health Board” means in relation to any nursing home, the Health Board for the area in which the nursing home is situated;

“Keeper of a nursing home” means any person who is registered in respect of a nursing home;

“nursing home” means a nursing home within the meaning of section 10(2) of the Act(d); and

(a) 1938 c. 73; section 1(2) was amended by paragraphs 71 and 72 of Schedule 6 to the National Health Service (Scotland) Act 1972 (c. 58), as saved by paragraph 10 of Schedule 15 to the National Health Service (Scotland) Act 1978, (c. 29). Section 3A was inserted by section 16 of, and paragraph 9 of Part II of Schedule 4 to the Health Services Act 1980 (c. 53) and section 4 was amended by section 16 and paragraph 10 of Part II of Schedule 4 to that Act.

(b) 1939 c. 20.

(c) S.R. & O. 1938/1505, amended by S.I. 1974/1182.

(d) Section 10(2) of the Act was inserted by paragraph 14 of Part II of Schedule 4 to the Health Services Act 1980.

“record” means any record or register required to be kept in pursuance of regulation 4 of these Regulations and includes a book, card, form, tape, computerised record, film or notes.”

3. For regulation 3 of the principal regulations there shall be substituted the following regulation:—

“3. An application shall be made in the form set out in the First Schedule to these regulations and shall be accompanied by a fee of £100.”

4. After regulation 5 of the principal regulations, there shall be inserted the following regulation:—

“Entry and Inspection of Nursing Homes and Production and Inspection of Records

6.—(1) Subject to paragraph (2) of this regulation, any authorised person, on producing, if asked to do so, a duly authenticated document showing that he is so authorised;

(a) may, at all reasonable times, enter and inspect any premises which are used, or which he reasonably believes to be used, as a nursing home;

(b) may require the Keeper of a nursing home to produce any record; and

(c) may inspect any such record.

(2) Nothing in this regulation shall authorise any authorised person to inspect any clinical record regarding a patient in a nursing home.”.

5. For the First Schedule to the principal regulations, there shall be substituted the Schedule set out in the Schedule to these regulations.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St Andrew's House,
Edinburgh.
2nd July 1981.

Regulation 5 SCHEDULE

Regulation 3 "FIRST SCHEDULE

FORM OF APPLICATION FOR REGISTRATION
IN RESPECT OF A NURSING HOME (SEE NOTE (a))

NURSING HOMES REGISTRATION (SCOTLAND) ACT 1938

To the Secretary Health Board
I (We) hereby apply, in accordance with section 1(2) of the Nursing Homes Registration (Scotland) Act 1938, as amended, for registration in respect of the.....
.....nursing home situated at.....
.....and I (we) hereby declare that the following
particulars are true in every respect.

Signature(s).....
.....

Date.....

(a) A Nursing Home is defined in section 10(2) of the Nursing Homes Registration (Scotland) Act 1938, as amended, as being:—

- (a) any premises used, or intended to be used, for the reception of, and the provision of nursing for, persons suffering from any sickness, injury or infirmity;
- (b) any maternity home; and
- (c) any premises not falling within either of the preceding paragraphs which are used, or intended to be used, for the provision of all or any of the following services, namely—
 - (i) the carrying out of surgical procedures under anaesthesia;
 - (ii) the termination of pregnancies;
 - (iii) endoscopy;
 - (iv) haemodialysis or peritoneal dialysis.

The above definition does not include—

- (a) any hospital or other premises maintained or controlled by a Government department or local authority or any other authority or body established or incorporated by or under any local Act or by Royal Charter;
- (b) any private hospital within the meaning of the Mental Health (Scotland) Act 1960;
- (c) 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;
- (d) any first aid or treatment room provided at factory premises, at premises to which the Offices, Shops and Railway Premises Act 1963 applies or at a sports ground, showground or place of public entertainment;
- (e) any premises used, or intended to be used, wholly or mainly—
 - (i) by a medical practitioner for the purposes of consultation with his patients;
 - (ii) by a dental practitioner or chiropodist for the purpose of treating his patients;
 - or
 - (iii) for the provision of occupational health facilities;
- (f) any premises used, or intended to be used, wholly or mainly as a private dwelling;
- (g) any other premises excepted from that definition by regulations made by the Secretary of State.

PARTICULARS**PART I****(Particulars of Applicant)**

1. If the application is made by one or more individual persons, state the full name, age, private address and professional qualifications (if any), of each applicant.
2. If the application is made by a Company, partnership, society, association or body, state
 - (a) full name of the Company, partnership, society, association or body and the address of its registered or principal office; and
 - (b) the full names, private addresses and technical qualifications (if any) of the directors of the Company, partners, and members or office bearers of the society, association or body.
3. State the address of any other nursing home in which the applicant has a business interest and the nature and extent of his interest therein.

PART II**(Particulars of staff etc in the nursing home)**

4. State full name, age, private address, qualifications and experience of the person or persons in charge of the nursing home and whether he or they are, or will be, resident in the nursing home.
5. State full names and qualifications of any resident or visiting medical practitioners, distinguishing between them.
6. State full names and (where appropriate) qualifications and grades of the nursing and other professional and technical staff employed or proposed to be employed in the nursing home, distinguishing between resident and non-resident staff and males and females.

PART III**(Particulars of the nursing home)**

7. State
 - (a) name, style or title of the nursing home;
 - (b) address of the nursing home;
 - (c) date on which the nursing home was or is to be opened;
 - (d) particulars of any other premises used or intended to be used in connection with the nursing home; and
 - (e) any other business which is, or will be, transacted on the same premises as the nursing home or on any premises used in connection with the nursing home.
8. State concise particulars of the situation, construction, accommodation available for patients (showing number of beds per room), the surgical and other equipment or facilities, sanitary and fire escape arrangements provided or to be provided at the nursing home.
9. The purpose and nature of the nursing home and, in particular, whether it is a maternity home. (See Note (b).)
10. State concise particulars of the arrangements for the management and control of the nursing home.
11. State number of patients (excluding staff) for whom the nursing home is proposed to be used, distinguishing between males and females and different categories of patients and indicating the age range of patients in each category.

NOTE (b): A maternity home, in terms of section 10(1) of the Nursing Homes Registration (Scotland) Act 1938, "means any premises used or intended to be used for the reception of pregnant women, or of women immediately after child-birth"."

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Nursing Homes Registration Regulations (Scotland) 1938 ("the principal regulations"), consequential on the amendments made to the Nursing Homes Registration (Scotland) Act 1938 ("the 1938 Act") by the Health Services Act 1980 ("the 1980 Act").

Regulation 2 substitutes new definitions for the purposes of the principal regulations. In particular, the expression "nursing home" is defined in terms of the new definition of nursing home in section 10(2) of the 1938 Act, as amended by the 1980 Act.

Regulation 3 increases the fee which must accompany an application for registration of a nursing home from £1 to £100. Regulation 5 and the Schedule to these regulations substitute a new form of application.

Regulation 4 inserts a new regulation 6 into the principal regulations which empower a person authorised by the Secretary of State or a Health Board to enter and inspect premises used or reasonably believed to be used as a nursing home and to require a Keeper of a nursing home to produce for inspection the records required to be kept in pursuance of Regulation 4 of the principal regulations.

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