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STATUTORY INSTRUMENTS

1991 No.1320 (S. 128)

PUBLIC HEALTH, SCOTLAND

The Nursing Homes Registration (Scotland) Amendment Regulations 1991

<i>Made</i>	- - - -	<i>23rd May 1991</i>
<i>Laid before Parliament</i>		<i>14th June 1991</i>
<i>Coming into force</i>	- -	<i>1st August 1991</i>

The Secretary of State, in exercise of the powers conferred on him(1) by sections 1A and 4 of the Nursing Homes Registration (Scotland) Act 1938(2), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Nursing Homes Registration (Scotland) Amendment Regulations 1991 and shall come into force on 1st August 1991.

(2) In these Regulations, a reference to “the principal Regulations” is a reference to the Nursing Homes Registration (Scotland) Regulations 1990(3).

Amendment of regulation 3 of the principal Regulations

2.—(1) Regulation 3 of the principal Regulations (fees) is amended in accordance with the following paragraphs of this regulation.

(2) There is substituted for paragraph (1) the following paragraph:—

“(1) The amounts of the different fees (in this regulation referred to as “appropriate prescribed fees”) specified in column 2 of Schedule 2 shall be the amounts of those fees which a Health Board may impose under section 1A of the Act in respect of the different

(1) By virtue of the Reorganisation of Offices (Scotland) Act 1939 (c. 20), section 1(1) and (6)(b), the Department of Health for Scotland means the Secretary of State.

(2) 1938 c. 73; section 1A was inserted by the Registered Establishments (Scotland) Act 1987 (c. 40), section 6(3); section 4 was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 6, paragraph 73 (as saved by the National Health Service (Scotland) Act 1978 (c. 29), Schedule 15, paragraph 10) and by the Health Services Act 1980 (c. 53), Schedule 4, paragraph 10.

(3) S.I. 1990/1310.

applications and other matters to which they respectively refer and which are described in column 1 of the said Schedule.”.

(3) In sub-paragraph (a) of paragraph (2) there are substituted for the words “shall be submitted to the Health Board with” the words “may be imposed by the Health Board on receipt of”.

Amendment of regulation 4 of the principal Regulations

3.—(1) Regulation 4 of the principal Regulations (register of patients) is amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (2)—

(a) the words “from date of admission to date of discharge, the following particulars” are omitted;

(b) for sub-paragraphs (e), (f) and (g) there is substituted the following sub-paragraph:—

“(e) any of the following particulars where they apply to the patient after his admission:—

(i) the date on which the patient is discharged from the nursing home;

(ii) if the patient is discharged to hospital, the date of and reasons for that discharge and the name of the hospital concerned; and

(iii) if the patient dies in the nursing home, the date, time and cause of death and the name of the medical practitioner who certifies the cause of death.”.

(3) In paragraph (3), there are inserted after the word “particulars” the words “where they apply to the patient”.

(4) For paragraph (4) there is substituted the following paragraph:—

“(4) The register maintained in pursuance of this regulation shall be retained at the nursing home by the person registered and shall be maintained or caused to be maintained by him in respect of each patient for a minimum period of 3 years from the date of death or discharge of the patient.”.

Amendment of regulation 6 of the principal Regulations

4. For regulation 6(4) of the principal Regulations (registers of staff and other persons providing professional services) there is substituted the following paragraph:—

“(4) The registers maintained in pursuance of this regulation shall be retained at the nursing home by the person registered and shall be maintained or caused to be maintained by him in respect of each member of staff, practitioner or pharmacist entered in it—

(a) in the case of a member of staff, for a minimum period of 3 years from the date of cessation of his employment at the nursing home; and

(b) in the case of a practitioner or pharmacist, for so long as the nursing home is carried on.”.

Amendment of regulation 9 of the principal Regulations

5. In paragraph (4) of regulation 9 of the principal Regulations (notices concerning death), for the words “General Manager” there are substituted the words “Chief Administrative Medical Officer and Director of Public Health”.

Amendment of Schedule 2 to the principal Regulations

6. In column 2 of Schedule 2 to the principal Regulations, for the sum of “£600” there is substituted “£678”.

St. Andrew’s House,
Edinburgh
23rd May 1991

Michael B. Forsyth
Minister of State, Scottish Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Nursing Homes Registration (Scotland) Regulations 1990 (S.I. 1990/1310) (“the principal Regulations”) which make provision for the registration of persons in respect of nursing homes under the Nursing Homes Registration (Scotland) Act 1938 (“the Act”).

The amendments in regulations 2, 3 and 4 correct defects in the wording of the principal Regulations in relation to fees and the maintenance of registers required to be kept by the person registered.

Regulation 2 amends regulation 3 of the principal Regulations to clarify that fees prescribed in Schedule 2 are those fees which a Health Board may impose in exercise of their powers under section 1A of the Act in respect of applications for registration and other matters. Regulation 3 of the principal Regulations is also amended to provide that the Health Board may impose fees in respect of applications for registration and applications for variation of conditions of registration on receipt of the application instead of requiring that the applicant in such cases must submit the prescribed fee to the Health Board with the application.

Regulation 3 amends regulation 4 of the principal Regulations to clarify that the requirement to maintain a register of patients means that the particulars as to the matters formerly specified in paragraph (2)(e) to (g) and also the matters specified in paragraph (3) must be included, in respect of each patient, when the relevant matters have application to that patient. The requirement to maintain the register in respect of each patient for a minimum period is amended so as to provide that the 3 year period applies from the date of death or discharge of the patient.

Regulation 4 amends regulation 6 of the principal Regulations to clarify the period for which the registers of staff and other persons providing professional services must be maintained in respect of each member of staff or person providing such services.

These Regulations also make 2 other amendments. They provide that a notice of the death of a patient shall be delivered or sent to the Chief Administrative Medical Officer and Director of Public Health of the relevant Health Board rather than the General Manager (regulation 5). They also increase the prescribed fee in respect of an application for registration which a Health Board may impose from £600 to £678 (regulation 6).