
STATUTORY INSTRUMENTS

1992 No. 1443 (S.142)

PUBLIC HEALTH, SCOTLAND

**The Nursing Homes Registration
(Scotland) Amendment Regulations 1992**

<i>Made</i>	- - - -	<i>12th June 1992</i>
<i>Laid before Parliament</i>		<i>30th June 1992</i>
<i>Coming into force</i>	- -	<i>21st July 1992</i>

The Secretary of State, in exercise of the powers conferred on him((1)) by sections 1(2) and 3A 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 1992 and shall come into force on 21st July 1992.

(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 11 of the principal Regulations

2. After paragraph (3) of regulation 11 of the principal Regulations (powers of entry, inspection and production of documents) there is inserted the following paragraph:—

“(4) Nothing in this regulation is to be taken as requiring or authorising the person registered to disclose information contrary to the provisions of section 33(5) of the Human Fertilisation and Embryology Act 1990((4)) (restrictions on disclosure of information).”.

(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 1(2) was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 6, paragraph 71 (as saved by the National Health Service (Scotland) Act 1978 (c. 29), Schedule 15, paragraph 10) and by the Registered Establishments (Scotland) Act 1987 (c. 40), section 6(4); section 3A was inserted by the Health Services Act 1980 (c. 53), Schedule 4, paragraph 9.

(3) S.I. 1990/1310, amended by S.I. 1991/1320.

(4) 1990 c. 37.

Status: This is the original version (as it was originally made).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

Amendment of Schedule 1 to the principal Regulations

3. In the Form of Application for Registration in respect of a Nursing Home set out in Schedule 1 to the principal Regulations, for paragraph 13 of the Particulars there is substituted the following paragraph:—

“**13.** Confirm that the use of the home or any associated premises is not in contravention of any term of an authorisation granted under section 13(2) of the Health Services Act 1976((5)) prior to 1st April 1991 and which continues to have effect by virtue of section 63(2) of the National Health Service and Community Care Act 1990((6)).”.

St. Andrew’s House,
Edinburgh
12th June 1992

Fraser of Carmyllie
Minister of State, Scottish Office

(5) 1976 c. 83; section 13 was repealed, subject to savings, by the National Health Service and Community Care Act 1990 (c. 19), section 63 and Schedule 10.
(6) 1990 c. 19; see S.I. 1990/1329, Schedule 3.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further 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 Regulations amend regulation 11 of the principal Regulations to make it clear that the person registered is not required or authorised to disclose information contrary to section 33(5) of the Human Fertilisation and Embryology Act 1990 (c. 37) (which came into force on 1st August 1991 and which prohibits persons to whom licences apply in respect of the provision of treatment services under that Act and persons to whom directions have been given under section 23 of that Act from disclosing certain information).

The Regulations also make a minor amendment to the Form of Application for Registration in respect of a Nursing Home set out in Schedule 1 to the principal Regulations consequential on the repeal of the Health Services Act 1976 (c. 83) by the National Health Service and Community Care Act 1990 (c. 19).