



2002 CHAPTER 9

Charges for nursing care

1.—(1) In Article 36 of the 1972 Order for paragraph (4) there shall be substituted—

“(4) Subject to the following provisions of this Article, a person for whom accommodation is provided under any such arrangements shall refund to the Department—

- (a) where the payments made in respect of him under paragraph (3) include any amount in respect of nursing care by a registered nurse, the amount of such payments less any amount paid in respect of such nursing care;
- (b) in any other case, the amount of the payments made in respect of him under paragraph (3).

(4A) In paragraph (4) “nursing care by a registered nurse” means any services provided by a nurse registered under Article 5 of the Nursing and Midwifery Order 2001 ([SI 2002 / 253](#)) and involving—

- (a) the provision of care, or
- (b) the planning, supervision or delegation of the provision of care, other than any services which, having regard to their nature and the circumstances in which they are provided, do not need to be provided by a nurse so registered.”.

(2) In Article 36(5) of the 1972 Order for “paragraph (3)” there shall be substituted “paragraph (4)(a) or (b)”.

(3) In Article 99(2) of the 1972 Order at the end there shall be added “, other than any costs in respect of nursing care by a registered nurse (within the meaning given by Article 36(4A)) at that accommodation”.