
Changes to legislation: Health And Social Services And Social Security Adjudications Act 1983, Cross Heading: Requirement of registration is up to date with all changes known to be in force on or before 17 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

REGISTERED HOMES

[^{F1}PART I

RESIDENTIAL CARE HOMES

Textual Amendments

- F1** Sch. 4 Pt. I (paras. 1–23), Pt. II paras. 24–37, 44, Pt. III (paras. 49–56), Sch. 9 paras. 4, 6, 9, 12–14 and 26 repealed (E.W.) by Registered Homes Act 1984 (c. 23, SIF 113:3), s. 57, Sch. 3

Requirement of registration

- 1 (1) Subject to the following provisions of this paragraph, registration under this Part of this Schedule is required in respect of any establishment which provides or is intended to provide, whether for reward or not, residential accommodation with both board and personal care for persons in need of personal care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.
- (2) Such an establishment is referred to in this Part of this Schedule as a “residential care home”.
- (3) Registration under this Part of this Schedule does not affect any requirement to register under the ^{M1}Nursing Homes Act 1975.
- (4) Registration under this Part of this Schedule is not required in respect of an establishment which provides or is intended to provide residential accommodation with both board and personal care for fewer than 4 persons, excluding persons carrying on or intending to carry on the home or employed or intended to be employed there and their relatives.
- (5) Registration under this Part of this Schedule is not required in respect of any of the following—
- any establishment which is used, or is intended to be used, solely as a nursing home or mental nursing home as defined in sections 1 and 2 of the ^{M2}Nursing Homes Act 1975;
 - any hospital as defined in section 128 of the ^{M3}National Health Service Act 1977 which is maintained in pursuance of an Act of Parliament;
 - any hospital as defined in section 145(1) of the ^{M4}Mental Health Act 1983;
 - any voluntary home or community home within the meaning of the ^{M5}Child Care Act 1980;

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- (e) any children’s home to which the ^{M6}Children’s Homes Act 1982 applies;
 - (f) subject to subparagraph (6) below, any school, as defined in section 114 of the ^{M7}Education Act 1944;
 - (g) subject to subparagraph (7) below, any establishment to which the Secretary of State has made a payment of maintenance grant under regulations made by virtue of section 100(1)(b) of the Education Act 1944;
 - (h) any university or university college or college, school or hall of a university;
 - (i) any establishment managed or provided by a government department or local authority or by any authority or body constituted by an Act of Parliament or incorporated by Royal Charter.
- (6) An independent school within the meaning of the Education Act 1944 is not excluded by subparagraph (5) above if the school provides accommodation for 50 or less children under the age of 18 years and is not for the time being approved by the Secretary of State under section 11(3)(a) of the ^{M8}Education Act 1981.
- (7) An establishment to which the Secretary of State has made a payment of maintenance grant under regulations made by virtue of section 100(1)(b) of the Education Act 1944 is only excluded by subparagraph (5) above until the end of the period of 12 months from the date on which the Secretary of State made the payment.]

Marginal Citations

- M1** 1975 c. 37.
M2 1975 c. 37.
M3 1977 c. 49.
M4 1983 c. 20.
M5 1980 c. 5.
M6 1982 c. 20.
M7 1944 c. 31.
M8 1981 c. 60.

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Commencement Orders yet to be applied to the Health And Social Services And Social Security Adjudications Act 1983

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2004/288 art. 2-6](#) commences (2003 c. 43)
- [S.I. 2004/480 art. 2-5](#) commences (2003 c. 43)
- [S.I. 2004/1009 art. 2](#) commences (2003 c. 43)
- [S.I. 2004/1019 art. 2](#) commences (2003 c. 43)
- [S.I. 2005/2897 art. 2](#) commences (2002 c. 38)
- [S.I. 2005/2925 art. 24-11](#) commences (2003 c. 43)
- [S.I. 2006/345 art. 2-7](#) commences (2003 c. 43)
- [S.I. 2009/3074 art. 23](#) commences (2008 c. 4)
- [S.I. 2011/849 art. 2](#) commences (2010 nawm 2)
- [S.S.I. 2009/267 art. 2](#) commences (2007 asp 4)