

SCHEDULE

Regulation 2

MEANING OF “ACCOMMODATION FOR RESIDENTIAL CARE”, “MENTALLY DISORDERED PERSON” AND “PENSIONABLE AGE”

ENGLAND AND WALES

1. In relation to England and Wales—

“accommodation for residential care” means either—

- (a) any establishment the sole of main object of which is, or is held out to be, the provision of accommodation, whether for reward or not, for disabled persons, mentally disordered persons or retired persons of pensionable age and which—
 - (i) is provided by a local authority under section 21(1)(a) of the National Assistance Act 1948(1); or
 - (ii) as provided by a local social services authority under paragraph 2(1) of Schedule 8 to the National Health Service Act 1977(2); or
 - (iii) is carried on by a person who is duly registered in respect thereof under Part I of the Registered Homes Act 1984(3) or who would be so registered but for section 1(4) or section 1(5)(j) of that Act; or
 - (iv) is carried on by a person who is duly registered in respect thereof under Part II of the Registered Homes Act 1984 or who would be so registered but for section 21(3)(a) of that Act; or
 - (v) is an establishment referred to in section 1(2)(e) of the Registered Homes Act 1980(4) (and this paragraph shall continue to have effect notwithstanding the repeal of that Act; or
- (b) a group of at least four dwelling within a common and exclusive boundary specially provided for disabled persons, mentally disordered persons or retired persons of pensionable age and provided or managed—
 - (i) under part II of the Housing Act 1985(5); or
 - (ii) by a housing association within the meaning of the Housing Associations Act 1985(6); or
 - (iii) by a development corporation within the meaning of the New Towns Act 1981(7) or by the Development Board for Rural Wales in accordance with section 3(2) of the Development of Rural Wales Act 1976(8);

“mentally disordered person” means a person who is suffering from any mental disorder within the meaning of the Mental Health Act 1983(9);

“pensionable age” has the same meaning as in the Social Security Act 1975(10).

SCOTLAND

2. In relation to Scotland—

-
- (1) 1948 c. 29.
 - (2) 1977 c. 49.
 - (3) 1984 c. 23.
 - (4) 1980 c. 7.
 - (5) 1985 c. 68.
 - (6) 1985 c. 69.
 - (7) 1981 c. 68.
 - (8) 1976 c. 75.
 - (9) 1983 c. 20.
 - (10) 1975 c. 14.

Status: This is the original version (as it was originally made).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

“accommodation for residential care” means either—

- (a) any establishment the sole or main object of which is, or is held out to be, the provision of accommodation, whether for reward or not, for disabled persons, mentally disordered persons or retired persons of pensionable age and which—
 - (i) is provided by a local authority under sections 12 and 59 of the Social Work (Scotland) Act 1968⁽¹¹⁾; or
 - (ii) is carried on by a person who is duly registered in respect thereof under section 62 or 63 of that Act; or
 - (iii) is, or in respect of which the person carrying on the establishment is, exempt from registration under section 62 or 63 of the Act by virtue of section 61; or
 - (iv) is carried on by a person who is duly registered in respect thereof under the Nursing Homes Registration (Scotland) Act 1938⁽¹²⁾ or who would be so registered but for section 10(3)(a) of that Act; or
- (b) a group of at least four dwellings within a common and exclusive boundary specially provided for disabled persons, mentally disordered persons or retired persons of pensionable age and provided or managed—
 - (i) under Part I of the Housing (Scotland) Act 1987⁽¹³⁾; or
 - (ii) by a housing association within the meaning of the Housing Associations Act 1985; or
 - (iii) by a development corporation within the meaning of the New Towns (Scotland) Act 1968⁽¹⁴⁾; or
 - (iv) by the Scottish Special Housing Association under their memorandum and articles of association;

“mentally disordered person” means a person who is suffering from any mental disorder within the meaning of the Mental Health Scotland Act 1984⁽¹⁵⁾;

“pensionable age” has the same meaning as in the Social Security Act 1975.

NORTHERN IRELAND

3. In relation to Northern Ireland—

“accommodation for residential care” means either—

- (a) any establishment the sole or main object of which is, or is held out to be, the provision of accommodation, whether for reward or not, for disabled persons, mentally disordered persons or retired persons of pensionable age and which—
 - (i) is provided by the Department of Health and Social Services for Northern Ireland under Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972⁽¹⁶⁾; or
 - (ii) is carried on by a person who is duly registered in respect thereof under Schedule 5 to that Order; or
 - (iii) is carried on by a person who is duly registered in respect thereof under Part I of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971⁽¹⁷⁾; or

(11) 1968 c. 49.

(12) 1938 c. 73, which has been amended by Schedule 4 to the Health Services Act 1980 (c. 53).

(13) 1987 c. 26.

(14) 1968 c. 16.

(15) 1984 c. 36.

(16) S.I. 1972/1265 (N.I. 14).

(17) 1971 c. 32 (N.I.), which has been amended by the Nursing Homes and Nursing Agencies (N.I.) Order 1985 (S.I. 1985/1775 (N.I. 19)).

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

- (iv) is managed or controlled by a Government department or a public body constituted especially by Act of Parliament or incorporated by Royal Charter; or
 - (b) a group of at least four dwellings within a common and exclusive boundary provided specially for disabled persons, mentally disordered persons or retired persons of pensionable age and which is provided or managed—
 - (i) under the Housing (Northern Ireland) Order 1981⁽¹⁸⁾; or
 - (ii) by a housing association within the meaning of Article 114 of that Order;
- “mentally disordered person” means a person who is suffering from any mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986⁽¹⁹⁾;
- “pensionable age” has the same meaning as in the Social Security (Northern Ireland) Act 1975⁽²⁰⁾.

JERSEY

4. In relation to the Bailiwick of Jersey—

“accommodation for residential care” means any establishment the sole or main object of which is the provision of accommodation, whether for reward or not, for disabled persons, mentally disordered persons or retired persons of pensionable age, not being an establishment mentioned in paragraphs (a), (b) or (c) of Article 1(1) of the Old Persons Home (Registration) (jersey) Law 1964;

“mentally disordered person” means a person who is suffering from mental disorder within the meaning of the Mental Health (Jersey) Law 1969;

“pensionable age” has the same meaning as in the Social Security (Jersey) Law 1974.

GUERNSEY

5. In relation to the Bailiwick of Guernsey—

“accommodation for residential care” means either—

- (a) any establishment the sole or main object of which is, or is held out to be, the provision of accommodation, whether for reward or not, for disabled persons, mentally disordered persons or retired persons of pensionable age and which—
 - (i) is carried on by a person who is duly registered in respect thereof under the Nursing Home and Residential Homes (Guernsey) Law 1976; or
 - (ii) is exempted from registration under section 6 of that law; or
- (b) a group of at least four dwellings within a common and exclusive boundary specially provided for disabled persons, mentally disordered persons or retired persons of pensionable age and which is provided or managed—
 - (i) by any Committee of the States of Guernsey; or
 - (ii) by a body approved in writing for the purposes of these Regulations by the President or the acting President of the States of Guernsey Board of Health;

“mentally disordered person” means a person suffering from any mental ailment within the meaning of the Mental Treatment Law (Guernsey) 1939;

“pensionable age” has the same meaning as in the Social Insurance (Guernsey) Law 1978.

⁽¹⁸⁾ S.I. 1981/156 (N.I. 3).

⁽¹⁹⁾ S.I. 1986/595 (N.I. 4).

⁽²⁰⁾ 1975 c. 15 (N.I.).

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

ISLE OF MAN

6. In relation to the Isle of Man—

“accommodation for residential care” means either—

- (a) any establishment the sole or main object of which is, or is held to be, the provision of accommodation, whether for reward or not, for disabled persons, mentally disordered persons or retired persons of pensionable age and which—
 - (i) is provided under section 22 of the National Health Service (Isle of Man) Act 1948; or
 - (ii) is provided under section 22(1) of the National Assistance (Isle of Man) Act 1951; or
 - (iii) is carried on by a person who is duly registered in respect thereof under section 29 of that Act or under section 24 of the Local Government Act 1949(21) or under the Nursing and Residential Homes Act 1988(21) or who would be so registered but for section 1(2), (3) or 5 of the Act; or
- (b) a group of at least four dwellings within a common and exclusive boundary specially provided for disabled persons, mentally disordered persons or retired persons of pensionable age and which is provided or managed—
 - (i) under section Piv of the Housing Act 1955(21); or
 - (ii) by a housing association under Part II of the Housing (Miscellaneous Provisions) Act 1976(21);

“mentally disordered person” means a person who is suffering from any mental disorder within the meaning of the Mental Health Act (Isle of Man) Act 1974;

“pensionable age” has the same meaning as in the Social Security Act 1975.

General

7. For the purposes of paragraphs 1(b), 2(b), 3(b), 5(b) and 6(b) above a group of dwelling shall not be regarded as specially provided for disabled persons, mentally disordered persons or retired persons of pensionable age unless—

- (a) the dwellings have been erected or converted for occupation only by such persons;
- (b) the residents enjoy the services of a person whose function is to care for their needs and who either resides within the common boundary or works there for at least 30 hours per week; and
- (c) there is also provided within the common boundary, in addition to the dwellings, a communal facility intended to meet the needs of the residents.

(21) An Act of Tynwald.
(21) An Act of Tynwald.
(21) An Act of Tynwald.
(21) An Act of Tynwald.