
STATUTORY INSTRUMENTS

1991 No. 2532

PUBLIC HEALTH, ENGLAND AND WALES

**The Nursing Homes and Mental Nursing
Homes (Amendment) Regulations 1991**

Made - - - - 7th November 1991
Laid before Parliament 8th November 1991
Coming into force - - 1st December 1991

The Secretary of State for Health, in exercise of the powers conferred by paragraphs (a)(i) and (d) of section 27 and section 56(4) of the Registered Homes Act 1984⁽¹⁾ and 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 and Mental Nursing Homes (Amendment) Regulations 1991 and shall come into force on 1st December 1991.

(2) In these Regulations “the principal Regulations” means the Nursing Homes and Mental Nursing Homes Regulations 1984⁽²⁾.

Amendment of regulation 2 of the principal Regulations

2. In regulation 2(1) of the principal Regulation (interpretation), in the definition of “child” for the words “; within the meaning of the Children and Young Persons Act 1969” there shall be substituted the words, “within the meaning of the Children Act 1989”⁽³⁾.

Amendment of regulation 4(2) of the principal Regulations

3. In regulation 4 of the principal Regulations (registration) after paragraph (2) there shall be added the following paragraph:—

“(3) Where the Secretary of State so requires an applicant shall also furnish such birth certificate and such other documentary evidence as is specified by the Secretary of State as being necessary to substantiate the particulars specified in paragraphs 1 or 2 of Schedule 2.”.

(1) 1984 c. 23.

(2) S.I.1984/1578, to which there are amendments not relevant to the subject matter of these Regulations.

(3) 1989 c. 41.

Amendment of regulation 10 of the principal Regulations

4. –

(1) In regulation 10(2) of the principal Regulations (information to be furnished to authorised inspector) for the words “paragraph (3)” there shall be substituted the words “paragraphs (3) and (4)”.

(2) After regulation 10(3) of the principal Regulations there shall be inserted–

“(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).”

Amendment of Schedule 2 to the principal Regulations

5. In Schedule 2 to the principal Regulations (particulars to be furnished by an applicant)–

(a) after paragraph 1 there shall be inserted–

“**1A.** Where the application is made by an individual (whether or not he is the person in charge of the home or the person intended to be in charge of the home) details of any criminal convictions he has including, where the Secretary of State asks him for details of any criminal convictions which are spent convictions within the meaning of section 1 of the Rehabilitation of Offenders Act 1974(5) and informs him at the time the question is asked that by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(6) spent convictions are to be disclosed, details of any spent convictions he has.”;

(b) in paragraph 3 for the words “the Child Care Act 1980” there shall be substituted the words, “section 60 of the Children Act 1989” and for the words “the Children’s Homes Act 1982” there shall be substituted the words, “section 63 of that Act”.

Signed by authority of the Secretary of State for Health.

7th November 1991

Virginia Bottomley
Minister of State,
Department of Health

(4) 1990 c. 37.

(5) 1974 c. 53.

(6) S.I. 1975/1023; the relevant amending instrument is S.I. 1986/1249.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Nursing Homes and Mental Nursing Homes Regulations 1984 by making provision for the compulsory furnishing of documentary evidence as to the identity of those carrying on homes and details of their criminal convictions where the Secretary of State requires this on an application for registration (regulations 3 and 5(a)).

They also 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 (which prohibits persons to whom licences under Schedule 2 to that Act apply or have applied and persons to whom directions have been given under section 23 of that Act from disclosing certain information) (regulation 4) and amend references to “child” and legislation superseded in consequence of the introduction of the Children Act 1989 (regulations 2 and 5(b)).