1963 No. 1434

PUBLIC HEALTH, ENGLAND AND WALES

The Conduct of Nursing Homes Regulations 1963

Made - - - -	20*th August* 1963
Laid before Parliament	26*th August* 1963
Coming into Operation	27*th August* 1963

The Minister of Health, in exercise of the powers conferred on him by section 1(1) of the Nursing Homes Act 1963(**a**) 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 Conduct of Nursing Homes Regulations 1963 and shall come into operation on 27th August 1963.

(2) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

" the Act " means the Nursing Homes Act 1963;

" the Minister " means the Minister of Health;

" registration authority " means, in relation to a nursing home, the authority for the time being empowered under Part VI of the Public Health Act 1936(**b**) or Part XI of the Public Health (London) Act 1936(**c**) to register nursing homes in the district in which the home is situated; and

" the managers " means the person or persons registered in respect of a nursing home under Part VI of the Public Health Act 1936 or Part XI of the Public Health (London) Act 1936.

(3) Any reference in these regulations to the provisions of any enactment or instrument shall be construed, unless the context otherwise requires, as a reference to those provisions as amended by any subsequent enactment or instrument.

(4) The Interpretation Act 1889(**d**) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Provision of facilities and services

2. The managers of a nursing home registered under Part VI of the Public Health Act 1936 or Part XI of the Public Health (London) Act 1936 shall—

(**a**) 1963 c. 13.
(**b**) 26 Geo. 5 & 1 Edw. 8. c. 49.
(**c**) 26 Geo. 5 & 1 Edw. 8. c. 50.
(**d**) 52 & 53 Vict. c. 63.

(*a*) provide for each patient efficient nursing care and for this purpose employ by day and night suitably qualified and competent staff in numbers which are adequate having regard to the size of the home and the number and condition of the patients received there;

(*b*) provide for each patient in the home by day and by night reasonable accommodation and space having regard to the age, sex and condition of the patient, including the nature and degree of any illness or disability from which he is suffering;

(*c*) provide adequate and suitable furniture, bedding, curtains and, where necessary, suitable screens and floor covering in rooms occupied or used by patients;

(*d*) provide appropriate and suitable medical and nursing equipment and treatment facilities, having regard to the condition of the patients received there;

(*e*) provide for the use of patients a sufficient number of wash-basins and baths fitted with a hot and cold water supply, a sufficient number of water-closets and any necessary sluicing facilities;

(*f*) provide adequate light, heating and ventilation in all parts of the home occupied or used by patients;

(*g*) keep all parts of the home occupied or used by patients in good structural repair, clean and reasonably decorated;

(*h*) take adequate precautions against the risk of fire and accident, having regard in particular to the condition of such patients as are received there;

(*i*) provide sufficient and suitable kitchen equipment, crockery and cutlery, together with adequate facilities for the preparation and storage of food;

(*j*) supply adequate, suitable and properly prepared food for every patient;

(*k*) arrange for the regular laundering of linen and articles of clothing;

(*l*) make suitable arrangements for the disposal of soiled dressings and other similar articles;

(*m*) arrange as may be necessary for the provision for any patient of medical and dental services, whether under Part IV of the National Health Service Act 1946(a), or otherwise;

(*n*) make suitable arrangements for the safe keeping and handling of drugs;

(*o*) permit officers authorised in that behalf by the registration authority to interview in private any person received into the home.

(a) 9 & 10 Geo. 6. c. 81.

Limitation of numbers of persons in nursing homes

3.—(1) A registration authority may make it a condition of the registration under Part VI of the Public Health Act 1936 or Part XI of the Public Health (London) Act 1936 of any nursing home that the number of persons or persons of any description who may be received into the home shall not exceed such number as may be specified in the certificate of registration.

(2) In the case of any nursing home which has been registered prior to the date of the coming into operation of these regulations, the registration authority may send by post to the person registered in respect of the home notice that, on and after a date not earlier than 30 days from the service of the notice, no persons, or no persons of any description shall be received into the home so that the total number accommodated in the home exceeds the number specified in the notice.

(3) A registration authority may, upon the application of any person registered in respect of any nursing home or otherwise, vary the number of persons or persons of any description specified under this regulation for that home by giving to the person so registered notice of the variation in the like manner as is mentioned in paragraph (2) of this regulation.

(4) A notice under paragraph (2) or (3) of this regulation shall not prohibit the retention in the home of persons accommodated in the home in excess of the permitted number at the time when the notice has effect.

Offences

4.—(1) Where the registration authority consider that the managers of a nursing home have failed or are failing to conduct the home in accordance with the provisions of regulation 2 of these regulations the authority may give written notice by post to the managers specifying in what respect the managers, in the opinion of the authority, have failed or are failing to comply with the requirements of that regulation and what, in the opinion of the authority, it is necessary for the managers to do so as to comply with the said requirements.

(2) Where notice has been given in accordance with the preceding paragraph of this regulation and a period of 3 months, or such shorter period as may have been specified in the notice, beginning with the date of the notice, has expired, any manager who contravenes or fails to comply with any provision of regulation 2 of these regulations mentioned in the notice shall be guilty of an offence against these regulations.

(3) Any person who receives persons or persons of any description into a nursing home in contravention of any condition or requirement imposed under regulation 3 of these regulations shall be guilty of an offence against these regulations.

(4) The registration authority may prosecute for any offence against these regulations.

Given under the official seal of the Minister of Health on 20th August 1963.

(L.S.)

J. Enoch Powell,
Minister of Health.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations make provision governing the conduct of nursing homes. They require the managers (the person or persons registered in respect of a nursing home) to provide accommodation, care and staff of a satisfactory standard, and limit the number of persons who may be received into the home.

If the registration authority (normally the county or county borough council) consider that the regulations are not being complied with they may give notice to the managers to this effect, specifying what they consider should be done to satisfy the regulations. If, after the prescribed period of notice, the regulations are not complied with, the managers are liable to prosecution by the registration authority under section 1(2) of the Nursing Homes Act 1963.