1962 No. 2000

NATIONAL ASSISTANCE

The National Assistance (Conduct of Homes) Regulations 1962

Made - - - -	10*th September* 1962
Laid before Parliament	12*th September* 1962
Coming into Operation	13*th September* 1962

The Minister of Health, in exercise of the powers conferred on him by section 40 of the National Assistance Act 1948(a), sections 19 (1) and 21 (1) of the Mental Health Act 1959(b), 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 National Assistance (Conduct of Homes) Regulations 1962 and shall come into operation on 13th September, 1962.

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

"the Act" means the National Assistance Act 1948;

"the Minister" means the Minister of Health;

"disabled persons' or old persons' home" has the meaning assigned to it by section 37 (9) of the Act;

"residential home for mentally disordered persons" has the meaning assigned to it by section 19 (2) of the Mental Health Act 1959;

"registration authority" has the meaning assigned to it by section 37 (2) of the Act;

"managers" means the person or persons registered in respect of a home under section 37 of the Act.

(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(c) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Revocation of regulations

2. The National Assistance (Numbers in Homes) Regulations 1961(d) are hereby revoked and any condition of registration of any disabled persons' or old persons' home imposed by a registration authority as to the number of persons who may be received in such home or any variation of such a condition made by a registration authority or any other thing done under those regulations shall be treated as valid and as if imposed, varied, or done under the corresponding provisions in regulation 3 of these regulations.

(a) 11 & 12 Geo. 6. c. 29. (b) 7 & 8 Eliz. 2. c. 72. (c) 52 & 53 Vict. c. 63.
(d) S.I. 1961/468 (1961 I, p. 1101).

Limitation of Numbers of Persons in Disabled Persons' or Old Persons' Homes

3.—(1) A registration authority may make it a condition of the registration under section 37 of the Act of any disabled persons' or old persons' 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 disabled persons' or old persons' 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 thirty 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 disabled persons' or old persons' 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.

Provision of facilities and services

4. The managers of every home which is registered under section 37 of the Act as a disabled persons' or old persons' home or as a residential home for mentally disordered persons shall:—

(*a*) provide for each person received into the home such accommodation and space by day and by night as is reasonable having regard to his or her age and sex and the nature and degree of any mental disorder or other illness or disability from which he or she may be suffering;

(*b*) provide adequate and suitable furniture, bedding, curtains and, where necessary, equipment, screens and floor covering in rooms occupied or used by persons received into the home;

(*c*) provide for the use of persons received into the home 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;

(*d*) provide adequate light, heating and ventilation in all parts of the home occupied or used by persons received into the home;

(*e*) keep all parts of the home occupied or used by persons received into the home in good structural repair, clean and reasonably decorated;

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

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

(*h*) supply adequate, suitable and properly prepared food for every person received into the home;

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

(*j*) employ by day and by 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 persons received there;

(*k*) in the case of a residential home for mentally disordered persons, keep such records as may from time to time be required by the registration authority;

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

(*m*) arrange as may be necessary for the provision for any person received into the home 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.

Offences

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

6.—(1) Where the registration authority consider that the managers of any home have failed or are failing to conduct the home in accordance with the provisions of regulation 4 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 the period of three 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 4 of these regulations mentioned in the notice shall be guilty of an offence against these regulations.

Given under the official seal of the Minister of Health on 10th September 1962.

(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 homes for old and disabled persons and of residential homes for mentally disordered persons. They require, amongst other matters, that the managers (the person or persons registered in respect of a home) shall provide accommodation and staff of a satisfactory standard.

If the registration authority (the local authority) 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, summary proceedings may be brought under section 40 (3) of the National Assistance Act 1948.

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