STATUTORY INSTRUMENTS

1984 No. 958

PUBLIC HEALTH, ENGLAND AND WALES

The Nursing Homes (Lasers) Regulations 1984

Made - - -	*9th July* 1984
Laid before Parliament	*13th July* 1984
Coming into Operation	*1st October* 1984

The Secretary of State for Social Services, in exercise of the powers conferred on him by sections 1(3) and (4), 5, 6(b) and 19(3) of the Nursing Homes Act 1975(**a**) and all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Nursing Homes (Lasers) Regulations 1984 and shall come into operation on 1st October 1984.

Specially controlled techniques

2.—(1) Any technique of medicine or surgery (including cosmetic surgery) involving the use of a class 3B laser product or a class 4 laser product being a technique of medicine or surgery as to which the Secretary of State is satisfied that its use may create a hazard for persons treated by means of it or for the staff of any premises where the technique is used, is hereby specified as subject to control for the purposes of the Nursing Homes Act 1975.

(2) In this regulation "class 3B laser product" and "class 4 laser product" have the meanings assigned to them in Part 1 of British Standard 4803:83 (Radiation safety of laser products and systems) as effective on 31st March 1983.

Amendment of the Nursing Homes and Mental Nursing Homes Regulations 1981.

3.—(1) The Nursing Homes and Mental Nursing Homes Regulations 1981(**b**) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1):—

(*a*) after the definition of "application" there shall be inserted the following definition —

" "dentist" means a person registered in the dentists register under the Dentists Act 1984(**c**)";

(**a**) 1975 c.37; sub-sections (3) and (4) of section 1 were inserted by paragraph 24(*d*) of Schedule 4 to the Health and Social Services and Social Security Adjudications Act 1983 (c.41).
(**b**) S.I. 1981/932. (**c**) 1984 c.24.

(*b*) after the definition of "record" there shall be inserted the following definition —

" "specially controlled technique" means a technique specified in regulation 2 of the Nursing Homes (Lasers) Regulations 1984.".

(3) For paragraph (3) of regulation 6 there shall be substituted the following paragraph:—

"(3) The person registered shall keep a separate record in the form of a register of —

(*a*) all surgical operations performed at the home which register shall include the name of the medical practitioner or dentist who performed the operation and the name of the anaesthetist in attendance;

(*b*) where the home is a nursing home, any occasion on which a specially controlled technique is used, the nature of such technique, the name of the person using the technique and where that person is not a medical practitioner or a dentist, the name of the medical practitioner or dentist in accordance with whose directions the technique was used.".

(4) After regulation 10 there shall be inserted the following regulation:—

"*Conduct of nursing homes*

10A. The person registered shall ensure that treatment (including diagnosis) by specially controlled technique in a nursing home is only carried out by a person who is, or who is acting in accordance with the directions of, a medical practitioner or a dentist.".

Signed by authority of the Secretary of State for Social Services.

K. Clarke,
Minister of State,
Department of Health and Social Security.

9th July 1984.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations specify techniques of medicine or surgery involving the use of class 3B or class 4 laser products as subject to control for the purposes of the Nursing Homes Act 1975, thereby bringing premises on which such laser products are used within the definition of "nursing home" in the 1975 Act. The Regulations also amend the Nursing Homes and Mental Nursing Homes Regulations 1981 by making consequential provision for the keeping of records and by providing that treatment by the techniques of medicine or surgery subject to control may only be carried out by, or in accordance with the directions of, a medical practitioner or a dentist.

Class 3B and class 4 laser product are defined by reference to British Standard 4803:83 which is published by the British Standards Institution and can be obtained from the British Standards Institution, Linford Woods, Milton Keynes, MK14 6LE.

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