STATUTORY INSTRUMENTS

1974 No 22

PUBLIC HEALTH, ENGLAND AND WALES

The Nursing Homes (Registration and Records) Regulations 1974

Made	*4th January* 1974
Laid before Parliament	*18th January* 1974
Coming into Operation	*1st April* 1974

The Secretary of State for Social Services, in exercise of the power conferred on him by section 187(2) of the Public Health Act 1936(**a**) as amended by section 57 and schedule 4 to the National Health Service Reorganisation Act 1973(**b**), in exercise of powers conferred by section 283(2) of the Public Health Act 1936 and now vested in him (**c**) and in exercise of powers conferred on him by section 41(2) of the National Health Service Reorganisation Act 1973 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 (Registration and Records) Regulations 1974 and shall come into operation on 1st April 1974

(2) In these regulations unless the context otherwise requires—

application means an application for the registration of a nursing home under Part VI of the Act and an applicant shall be construed accordingly

Area Health Authority means in relation to any nursing home the Area Health Authority for the area in which the home is situated

authorised person means a person authorised by the Secretary of State to exercise powers under regulation 6 of these regulations

manager means the person or persons registered in respect of a nursing home under Part VI of the Act

nursing home has the meaning assigned to it by section 199(1) of the Act

maternity home has the meaning assigned to it by section 199(1) of the Act

medical officer means a registered medical practitioner in the service of the Department of Health and Social Security or of the Welsh Office

register includes a book card or form

the Act means the Public Health Act 1936

(a) 1936 c 49 (b) 1973 c 32
(c) S I 1968/1699 (1968 III p 4585)

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(**a**) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament

Registration

2—(1) An application shall be made in writing shall be delivered to the office of the Area Health Authority and shall be accompanied by a fee of £1 00

(2) In making an application an applicant shall furnish such information in regard to the matters mentioned in the schedule to these regulations as the Area Health Authority may require

Right of appeal against refusal or cancellation of registration

3—(1) Before making under section 187 of the Act an order refusing an application or before making under section 188 of the Act an order cancelling any registration the Secretary of State shall give to the applicant or to the manager as the case may be not less than fourteen days notice of his intention to make such an order and every such notice shall state the grounds on which the order is to be made and shall contain an intimation that if, within fourteen days after the receipt of the notice, the applicant or manager informs the Secretary of State in writing that he desires so to do the Secretary of State will before making the order, give him an opportunity of showing cause in person or by a representative why the order should not be made

(2) If the Secretary of State after giving to the applicant or to the manager an opportunity of being heard by him decides to refuse the application or to cancel the registration he shall make an order to that effect and shall send a copy of the order to the applicant or the manager as the case may be

(3) A person aggrieved by an order refusing an application or cancelling any registration may appeal to a court of summary jurisdiction

Records

4—(1) The manager of a nursing home shall maintain a register of patients received into the nursing home which register shall include the following particulars:—

(*a*) the name and address of the patient

(*b*) the date on which the patient entered the nursing home

(*c*) the date on which the patient left the nursing home;

(*d*) if the patient died at the nursing home the date and hour of death

(2) In the case of a maternity home the register of patients maintained in accordance with paragraph (1) of this regulation shall include in addition to the particulars mentioned in that paragraph the following particulars:—

(*a*) the date and hour of delivery of the patient the number of children then born their sex and whether born alive or dead;

(*b*) the name of the person who delivered the patient;

(*c*) the method of feeding each child and if the method is varied the period or periods during which each method was followed;

(*d*) the date and hour of any miscarriage occurring in the home

(a) 1889 c 63

(*e*) the date on which any child born to a patient in the nursing home left the nursing home;

(*f*) if any child born to a patient in the nursing home died at the nursing home the date and hour of death

(3) The manager of a nursing home shall maintain a case record in respect of each patient which shall include the following particulars:—

(*a*) in respect of a patient suffering from acute illness or a patient to whom a child is born in the nursing home a daily statement of the patient s health;

(*b*) in respect of any other patient in the nursing home a periodical state ment of the patient s health

(4) In the case of a maternity home the manager shall in addition to the case records maintained in accordance with paragraph (3) of this regulation maintain a case record in respect of each child born in the nursing home which shall include a daily statement of the child s health

Notices

5 Where any patient or any child born to a patient dies at any nursing home, the manager thereof shall send notice in writing of such death to the Area Health Authority not later than twenty four hours after the death occurs

Powers of Entry and Inspection

6 Any medical officer or authorised person shall have power at all reason able times to enter and inspect any premises which are used, or which that officer or person has reasonable cause to believe to be used, for the purposes of a nursing home to inspect any registers or records required to be kept in accordance with the provisions of these regulations and to require the manager to furnish information in relation to the nursing home in respect of any of the matters mentioned in the schedule to these regulations

Provided that nothing in this regulation shall be deemed to authorise any person who is not a medical officer to inspect any clinical record relating to a patient in a nursing home

Offences

7 Any person who fails to maintain any register or record which he is required to maintain under the provisions of these regulations or who fails to furnish any information which he is required to furnish under the provisions of these regulations or who fails to send to an Area Health Authority any notice which he is required to send under the provisions of these regulations, or who obstructs any medical officer or authorised person in the exercise of his powers of entry and inspection under the provisions of these regulations shall be guilty of an offence against these regulations

Revocation of the Public Health (Nursing Homes Registration Form) Regula tions 1938

8. The Public Health (Nursing Homes Registration Form) Regulations 1938(**a**) are hereby revoked

Keith Joseph
Secretary of State for Social Services

4th January 1974

(**a**) S R & O 1938/32 (Rev XVI p 1097: 1938 II p 2746)

Article 2(1) SCHEDULE

Matters on which the Area Health Authority may require information to be fur nished by an applicant for registration and on which a medical officer or auth orised person may require information to be furnished by a manager

1 The full name and address, nationality and technical qualifications (if any) of the applicant or manager as the case may be

2 Where the application is made by or the manager is a company, society, association or body the address of its registered or principal office and the full name and addresses, nationality and technical qualifications (if any) of the directors and officers thereof

3 The situation of the nursing home and its form of construction

4 The accommodation available and the equipment provided

5 The date on which the nursing home was established or is to be established

6 Whether any other business is or will be carried on on the same premises as the nursing home

7 The full names qualifications and experience of persons employed or pro posed to be employed in the management of the nursing home and whether they are resident in the home

8 The arrangements for the management and control of the nursing home

9 The number of patients (excluding staff) who have been received or whom it is proposed to receive distinguishing between males and females and different categories of patients and indicating the age range of patients in each category

10 The full names and qualifications of any resident or visiting physicians or surgeons

11 The full names and (where appropriate) qualifications of the nursing and other staff employed or proposed to be employed in the home distinguishing between resident and non resident staff

12 Whether the nursing home is a maternity home as defined in the Act

13 The fees charged to patients

14 The address of any other nursing home or business in which the applicant is interested and the nature and extent of the applicant s interest therein

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EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations prescribe the information to be given in an application for registration of a nursing home under the Public Health Act 1936 and the fee to be paid They prescribe the records that registered nursing homes shall be required to keep and the notices they shall be required to send They provide for the inspection of registered nursing homes by medical officers and other authorised officers of the Secretary of State

They provide for a right of appeal against the refusal or cancellation of a registration They also provide that a failure to keep proper records or to furnish information when required to do so by an authorised officer or to obstruct an authorised officer in carrying out an inspection under the Regula tions shall be an offence

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