1990 No. 1310 (S. 143)

PUBLIC HEALTH, SCOTLAND

The Nursing Homes Registration (Scotland) Regulations 1990

Made - - - -	*26th June 1990*
Laid before Parliament	*6th July 1990*
Coming into force	*27th July 1990*

The Secretary of State, in exercise of the powers conferred on him(a) by sections 1(2), 1A, 3A and 4 of the Nursing Homes Registration (Scotland) Act 1938(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 Nursing Homes Registration (Scotland) Regulations 1990 and shall come into force on 27th July 1990.

(2) In these Regulations, unless the context otherwise requires–

(a) "the Act" means the Nursing Homes Registration (Scotland) Act 1938(c);

"admitted" means, with reference to a patient, received into the nursing home named in the application for registration on a residential or day-care or out-patient basis and the phrase "date of admission" shall be construed accordingly;

"application for registration" means an application made to the Health Board for registration under the Act by a person in respect of a named nursing home, and includes an application by a person who is to succeed another as the person registered in respect of that home and "applicant" shall be construed accordingly;

"authorised person" has the meaning assigned to it by regulation 11;

"dental practitioner" means a person registered in the dentists register in accordance with the Dentists Act 1984(d);

"discharge" means, with reference to a patient who has been received into the nursing home named in the application for registration on a residential or day-care or out-patient basis, termination of care or treatment in or under the auspices of the nursing home and the phrase "date of discharge" shall be construed accordingly;

(a) By virtue of the Reorganisation of Offices (Scotland) Act 1939 (c.20), section 1(1) and (6)(b), the Department of Health for Scotland means the Secretary of State.

(b) 1938 c.73; section 1(2) was amended by the National Health Service (Scotland) Act 1972 (c.58), Schedule 6, paragraph 71 as saved by Schedule 15, paragraph 10 to the National Health Service (Scotland) Act 1978 (c.29), and by the Registered Establishments (Scotland) Act 1987 (c.40), section 6(4); section 1A was inserted by the Registered Establishments (Scotland) Act 1987, section 6(3); section 3A was inserted by the Health Services Act 1980 (c.53), Schedule 4, paragraph 9; section 4 was amended by the National Health Service (Scotland) Act 1972, Schedule 6, paragraph 73, and saved as abovementioned, and by the Health Services Act 1980, Schedule 4, paragraph 10.

(c) 1938 c.73.

(d) 1984 c.24.

"fire authority", in relation to a nursing home, means the authority discharging, in the area in which the home is situated, the function of fire authority under the Fire Services Act 1947(**a**);

"Health Board" means the Health Board for the area in which the nursing home named in the application for registration is situated;

"maternity home" has the meaning assigned to it by section 10(1) of the Act;

"medical practitioner" means a fully registered person within the meaning of the Medical Act 1983(**b**);

"nursing home" has the meaning assigned to it by section 10(2) and (3) of the Act(**c**) and includes a maternity home;

"patient" means a person admitted to the nursing home named in the application for registration for surgical or other medical treatment, but does not include a child born in that home to a patient;

"person in charge" has the meaning assigned to it by regulation 10(1);

"person registered" means the person registered under the Act as carrying on the nursing home named in the application for registration and includes such a person notwithstanding that he became so registered prior to the coming into force of these Regulations;

"pharmacist" means a registered pharmaceutical chemist within the meaning of the Pharmacy Act 1954(**d**);

"record" means any book, card, form, tape, X-ray, computerised document, film or note kept in pursuance of the requirements of these Regulations;

"qualified nurse" means a person registered in the professional register of nurses, midwives and health visitors maintained by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting under section 10(1) of the Nurses, Midwives and Health Visitors Act 1979(**e**), and to whom section 1(3A) of the Act applies(**f**);

"register" means an ordered collection of details prepared and maintained in accordance with these Regulations and may include one or more separate parts;

"registered midwife" means a person registered in Part X in the professional register of nurses, midwives and health visitors maintained by the United Kingdom Central Council for Nursing, Midwifery and Health Visiting under section 10(1) of the Nurses, Midwives and Health Visitors Act 1979;

"treatment" means surgical or other medical treatment;

(b) a reference to a numbered regulation or Schedule is to the regulation in or Schedule to these Regulations bearing that number, and a reference in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number.

Registration

2. An application for registration shall be made to the Health Board in a form which corresponds to that prescribed in Schedule 1.

Fees

3.—(1) The different fees (in this regulation referred to as "appropriate prescribed fees") described in column 2 of Schedule 2 shall be payable to the Health Board in respect of the different applications and other matters to which they respectively refer, and which are described in column 1 of the said Schedule.

(2) The appropriate prescribed fees–

(**a**) 1947 c.41.
(**b**) 1983 c.54.
(**c**) Section 10(2) and (3) of the Act was inserted by the Health Services Act 1980 (c.53), Schedule 4, paragraph 14.
(**d**) 1954 c.61.
(**e**) 1979 c.36.
(**f**) Section 1(3A) was inserted by the Health Services Act 1980 (c.53), Schedule 4, paragraph 7(d).

(a) in respect of each of the written applications described in numbers 1 and 3 of the list in column 1 of Schedule 2, shall be submitted to the Health Board with the particular written application;

(b) in respect of the other matters described in numbers 2 and 4 of the said list, shall be payable on demand being made by the Health Board.

Register of patients

4.—(1) Subject to paragraph (4), the person registered shall maintain or cause to be maintained a register of all patients past and present.

(2) The register referred to in paragraph (1) shall, in respect of each patient, include from date of admission to date of discharge, the following particulars:–

(a) the name, address, date of birth, marital status and religious denomination of the patient;

(b) the name, address and telephone number, if any, of the patient's next of kin and of any person authorised by the patient to act on his behalf;

(c) the name, address and telephone number of the patient's general medical practitioner;

(d) the date on which the patient is admitted to the nursing home;

(e) the date on which the patient is discharged from the nursing home;

(f) if the patient is discharged to hospital, the date of and reasons for that discharge and the name of the hospital concerned;

(g) if the patient dies in the nursing home, the date, time and cause of death and the name of the medical practitioner who certifies the cause of death.

(3) In the case of a nursing home which is a maternity home, the register maintained under paragraphs (1) and (2) shall also include, in respect of each maternity patient, the following particulars:–

(a) the date and time at which the patient was delivered in the nursing home of a child or children, the number of children to whom the patient gave birth at that confinement, their sex, whether born alive or still-born, and whether born prematurely;

(b) the name and qualifications of the person who delivered the child or children detailed at paragraph (3)(a);

(c) the date and time of any miscarriage occurring in the nursing home;

(d) the date on which any child born in the nursing home to the patient left that home and the name of that child; and in the event that the child left otherwise than to the custody or care of a parent, guardian or relative, then the name and address of the person having such custody or care;

(e) if any child born in the nursing home to the patient died in that home, the name of that child and the date and time of death.

(4) The register shall be maintained in pursuance of this regulation with respect to each patient, and be retained at the nursing home by the person currently registered for a minimum period of 3 years from the date of the last entry in that register in respect of that patient.

Register of surgical operations

5.—(1) Subject to paragraph (3), the person registered shall maintain or cause to be maintained a register of every surgical operation performed at the nursing home.

(2) The register referred to in paragraph (1) shall include–

(a) the name of the patient, or of the child born in the home to a patient, where that patient or child undergoes a surgical operation in the home;

(b) the name of the medical practitioner or dental practitioner who performed the operation; and

(c) the name of any anaesthetist in attendance.

(3) The register maintained in pursuance of this regulation shall be retained at the nursing home by the person currently registered for a minimum period of 3 years from the date of the last entry in that register.

Registers of staff and other persons providing professional services

6.—(1) Subject to paragraph (4), the person registered shall maintain or cause to be maintained a register of–

(a) all members of staff employed at the nursing home;

(b) all medical practitioners who–

(i) are resident at the home; and

(ii) provide professional services to patients; and

(c) all dental practitioners and pharmacists who provide such services to patients.

(2) The register referred to in paragraph (1) shall–

(a) with respect to each person entered include the name, date of birth, home address, and dates of employment (both of commencement and termination) in, and details of position in, the home; and

(b) with respect to every member of the nursing staff, and every practitioner or pharmacist, include details of his qualifications and current professional registration.

(3) Subject to paragraph (4), the person registered shall also maintain or cause to be maintained a register of visiting medical practitioners responsible for the care of any patients in the nursing home, which register shall, with respect to each practitioner, disclose–

(a) his full name and business address;

(b) his qualifications and current registration; and

(c) the names of the patients past and present in the home who have been or are currently in his care.

(4) The registers shall be maintained in pursuance of this regulation with respect to each member of staff, practitioner or pharmacist recorded in it, and be retained at the nursing home by the person currently registered for a minimum period of 3 years from the date of the last entry in that register in respect of that person.

Medical record of each patient

7.—(1) The person registered shall maintain or cause to be maintained in respect of each patient from date of admission to date of discharge a self-contained medical record which shall include the following particulars:–

(a) the patient's name, address, date of birth and date of admission;

(b) an informative daily statement of the patient's health and condition;

(c) a note of every medical or surgical investigation, and of every surgical operation, carried out in or under the auspices of the nursing home between the said dates; and

(d) a note of every course of treatment administered to the patient in or under the auspices of the nursing home between the said dates, including treatment prescribed by a medical or dental practitioner.

(2) In the case of a maternity home, the record maintained under paragraph (1) in respect of a maternity patient shall include a record in respect of every child born in the home to that patient, and such record shall include the following particulars of every child:–

(a) the name and date of birth;

(b) the weight and condition at birth;

(c) an informative daily statement of health and condition; and

(d) details of every paediatric examination carried out in or under the auspices of the nursing home which involves any of the following procedures:–

(i) examination for congenital abnormalities including congenital dislocation of the hip;

(ii) measurement of the circumference of the head;

(iii) measurement of length;

(iv) screening for phenylketonuria and neonatal hypothyroidism.

(3) Every record maintained in pursuance of this regulation shall be subject to the provisions of regulation 11(3) and shall be retained at the nursing home by the person currently registered for a minimum period of 3 years from the date of death or discharge of the patient.

Fire safety and equipment maintenance records

8.—(1) The person registered shall maintain or cause to be maintained a record of–

(a) every fire practice which takes place at the nursing home;

(b) every fire alarm test carried out at the nursing home together with the result of that test, and all defects in procedure or equipment or conditions found as a result of every such test;

(c) action taken to remedy any of the said defects, and dates of completion of works resulting from such action; and

(d) the procedures to be followed in the event of fire.

(2) The person registered shall maintain or cause to be maintained with respect to medical, surgical, nursing, fire and safety equipment in the nursing home such record, as is reasonable or appropriate in the circumstances, of dates of acquisition and of disposal of, condition at acquisition of, and dates of maintenance checks and the nature of repairs carried out on, such equipment.

(3) Each of the records maintained in pursuance of paragraph (1) or (2) shall be retained at the nursing home by the person currently registered for a minimum period of 3 years from the date of the last entry in it.

Notices concerning death

9.—(1) Where a patient, or a child born in the nursing home to a patient, dies in the nursing home, the person registered shall send, or cause to be sent, to the Health Board a notice of such death not later than 24 hours after the death occurs.

(2) Such notice shall state–

(a) the name, address and date of birth of the deceased;

(b) the date and hour of death;

(c) the circumstances of death; and

(d) to the best of the knowledge of the person registered, the cause of death.

(3) For the purposes of paragraph (1), no account shall be taken of any part of a period of 24 hours which falls on a Saturday, Sunday, Christmas Day, New Year's Day, Good Friday, national or local public holiday, or Bank Holiday within the meaning of the Banking and Financial Dealings Act 1971(**a**).

(4) Any notice given in accordance with this regulation to the Health Board shall be in writing, marked "In Confidence", and be delivered by hand or sent by recorded delivery to the General Manager at the headquarters of the Health Board.

Notices concerning person in charge

10.—(1) The person registered may confer, but only upon an individual who must be either a medical practitioner or a qualified nurse, or in the case of a maternity home either a medical practitioner or a registered midwife and qualified nurse, responsibility for the overall day-to-day running of the nursing home, and in such circumstances, for the purposes of the Act and these Regulations, that individual is with respect to the nursing home known as the "person in charge".

(2) The person registered shall notify the Health Board in writing of the name, address, age and professional qualifications of the person in charge, and provide details of the hours of daily duty of that person, together with similar personal details and hours of duty of any person who would, where necessary, deputise–

(a) for the person in charge;

(b) where no person in charge has been appointed, for the person registered.

(3) The person registered shall within 72 hours of his learning of any change in any of the particulars previously given to the Health Board in accordance with paragraph (2) notify the Health Board in writing of that change.

(4) For the purposes of paragraph (3), the provisions of regulation 9(3) shall apply.

(**a**) 1971 c.80.

Powers of entry, inspection and production of documents

11.—(1) Any individual, who in the opinion of the Health Board is suitably qualified to undertake any inspection with which this and the succeeding regulation are concerned, may be authorised by name and in writing by the Health Board to act in accordance with these Regulations, and the expression "authorised person" shall be construed accordingly.

(2) Subject to paragraph (3), an authorised person, on producing, if asked to do so, his document of authorisation–

(a) may, at all reasonable times, enter and inspect any premises which are used, or which he reasonably believes are used, for the purposes of a nursing home;

(b) may, in respect of a nursing home registered under the Act, require the person registered to produce any register or record required in terms of these Regulations to be maintained, and may inspect any such register or record.

(3) Nothing in this regulation shall enable an authorised person, other than a medical practitioner employed by the Health Board, to inspect any medical record relating to a patient in a nursing home or in premises believed to be used as such.

Frequency of inspection

12. A Health Board shall cause–

(a) every nursing home registered under the Act; and

(b) the registers and records required in terms of these Regulations to be prepared and maintained there,

to be inspected by an authorised person on such occasions and at such intervals as the Board may decide, but in any case not less than twice in every period of 12 months from the date on which the person registered became so registered.

Provision of facilities and services

13.—(1) In respect of a nursing home which is registered under the Act, the facilities provided, precautions taken and arrangements made, all as described in this regulation, shall be of a standard which the Health Board reasonably considers to be sufficient and suitable in the circumstances of the particular nursing home, which standard shall be maintained for so long as the registration remains in force.

(2) The person registered shall, having regard to the size of the nursing home and the number, sex, age range and condition of the patients, provide or make, as the case may be, to an adequate standard or level or number the following:–

(a) professional, technical, ancillary and other supporting staff;

(b) accommodation and space for each patient in the home including, where appropriate, day-room facilities separate from sleeping accommodation;

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

(d) treatment facilities and medical, surgical and nursing equipment;

(e) fire fighting equipment;

(f) wash basins and baths or showers supplying hot and cold water, and water closets and sluicing facilities;

(g) light, heating and ventilation in all parts of the home occupied or used by patients;

(h) means of escape in the event of fire;

(i) fire drills and practices so that the staff and, so far as practicable, the patients in the home know the procedures to be followed in the case of fire;

(j) permanently displayed notices explaining procedures in the event of fire;

(k) kitchen equipment, crockery, cutlery and facilities for the preparation and storage of food;

(l) supplies of suitable food for every patient;

(m) arrangements for the storage and regular laundering of soiled and dirty linen;

(n) arrangements for the disposal of swabs, soiled dressings, instruments and similar substances and materials;

(o) arrangements for the provision of medical and dental services for any patient in the home, whether under Part II of the National Health Service (Scotland) Act 1978(a) or otherwise;

(p) arrangements for the recording, safe keeping, handling and disposal of drugs;

(q) arrangements for the prevention of infection, toxic conditions, or spread of infection at the home and the provision of adequate sterilising procedures in operating theatres;

(r) arrangements, where appropriate, for the training or occupation, and recreation of patients, and play and education facilities for child patients;

(s) facilities for any patient to receive visitors, or be interviewed, in private.

(3) The person registered shall, having regard to the size of the nursing home and the number, sex, age range and condition of the patients in the nursing home–

(a) take precautions–

(i) against the risk of fire;

(ii) against the risk of accident;

(b) make adequate arrangements for detecting, containing and extinguishing fire, for the giving of warnings and for the evacuation of patients and staff in the event of fire.

(4) The person registered shall–

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

(b) provide suitable storage of medical gas cylinders and highly inflammable materials;

(c) provide for the home to be connected to a public telephone service;

(d) where the home is a maternity home, and in any home in which surgical operations are undertaken or life support systems used, provide such electrical supply as would be needed to safeguard the lives of the patients during interruption of public supply;

(e) ensure that arrangements for dealing with medical emergencies of patients, including children born in the home to patients, are agreed with the Health Board and are brought to the attention of members of the nursing home staff;

(f) at such times as may be agreed with the fire authority, consult that authority on fire precautions in the home;

(g) be responsible for the day-to-day running of the home and make adequate arrangements for its running on occasions when he is absent from the home, or, where there is a person in charge of the home, make or cause to have made adequate arrangements for the running when the person in charge is absent from the home;

(h) inform the Health Board in writing of proposed absences of periods of more than 4 weeks of himself, where he is responsible for the day-to-day running of the home, or of the person in charge.

Revocation

14. The Nursing Homes Registration (Scotland) Regulations 1988(b) are hereby revoked.

Michael B. Forsyth
Parliamentary Under Secretary of State,
Scottish Office

St. Andrew's House, Edinburgh
26th June 1990

(a) 1978 c.29.
(b) S.I. 1988/1861.

SCHEDULE 1

Regulation 2

FORM OF APPLICATION FOR REGISTRATION IN RESPECT OF A NURSING HOME

NURSING HOMES REGISTRATION (SCOTLAND) ACT 1938(a)

To the General Manager of ..... Health Board

I/We hereby apply, in accordance with section 1(2) of the Nursing Homes Registration (Scotland) Act 1938 (c.73) and regulation 2 of the Nursing Homes Registration (Scotland) Regulations 1990 (S.I. 1990/1310), for registration in respect of

..... (insert proposed name of Nursing Home)

situated at .....

and I/We hereby declare that the following particulars are true in every respect.

Signature(s) .....

.....

Date .....

.....

(a) 1938 c.73.

PARTICULARS

PART I – Particulars of Applicant

1. Where the application is made by one or more individual persons, state the full name, age, private address, professional qualifications (if any) and experience, of each individual.

2. If the application is made by a company, partnership, society, association or body, state–

(a) the full name of the company, partnership, society, association or body and the address of its registered or principal office; and

(b) the full names, private addresses and professional or technical qualifications (if any) of each of the directors of the Company, each of the partners, or members and of each of the office bearers of the society, association or body.

3. State the name and address of any other nursing home or residential establishment in which the applicant, or any of the individuals to whom paragraph 1 or 2 applies, has a business interest, and the nature and extent of his interest therein.

4. State whether the applicant, or any of the individuals to whom paragraph 1 or 2 applies, has been refused registration for a nursing home or residential establishment or had such registration cancelled.

If any has been so refused or had such registration cancelled, state the full name and address of every nursing home or residential establishment concerned, the date of refusal or cancellation and the name of the authority which refused or cancelled that registration.

5. State whether the applicant or any of the individuals to whom paragraph 1 or 2 applies has been convicted at any time of a criminal offence.

PART II – Particulars of Staff

6. State the full name, age, private address, qualifications and experience of the person or persons to be in charge of the nursing home and whether to be resident in the nursing home.

7. State the full names and qualifications, including current registrations and grades (where appropriate), of the nursing and other professional, technical, administrative and ancillary staff (other than staff included under paragraph 6) to be employed in the nursing home, distinguishing between resident and non-resident staff, and males and females.

8. State the number of hours in each week which each member of staff referred to in paragraph 6 or 7 is to be required to work.

9. State whether any member of staff to whom paragraph 6 or 7 applies has been convicted at any time of a criminal offence.

PART III – Particulars of the Nursing Home

10. State–

(a) the name of the home;

(b) the address and telephone number of the home;

(c) the date on which the home is to be opened;

(d) the particulars of any other premises intended to be used in connection with the home;

(e) any other business which will be transacted on the same premises as the home, or on any premises used in connection with the home;

(f) whether the home caters for resident or non-resident patients, or both.

11. State the purpose and nature of the home and, in particular, whether it is a maternity home.

12. State concisely particulars of the situation, nature and date of construction of the buildings to be used for the nursing home's purposes, their state of repair, the accommodation which will be available for patients (showing the dimensions of rooms and number of beds per room), the expected date on which that accommodation will be available for use, the surgical and other equipment or facilities to be available and the sanitary and fire escape arrangements to be provided at the home.

Describe the environment of the nursing home.

Submit scale drawings of each floor of the building and other premises to be used.

13. Confirm that the home and any premises to be used in connection with it do not include any works executed in contravention of section 12(1) of the Health Services Act 1976(**a**) and that the use of the home or any associated premises is not in contravention of any term of an authorisation under section 13(**b**) of the said Act.

14. State concisely particulars of arrangements for the management and control of the home.

15. State number of patients for whom the home is proposed to be used, distinguishing between male and female capacities or facilities, and different categories of patient.

Indicate the age range of patient in each category. (Resident and non-resident patients should be detailed separately).

16. Give details of all arrangements to be made in order to comply with regulation 13 of the Nursing Homes Registration (Scotland) Regulations 1990 (provision of facilities and services).

17. State details of arrangements to be made for the supply to or by patients of blood and blood products.

18. State details of the arrangements made for the provision of pathology and radiology services for patients.

19. State details of sterilisation procedures to be implemented for instruments, swabs etc used in operating theatres and other appropriate treatment areas, and identify checks to be made to ensure procedures are applied.

State details for the disposal of clinical waste.

20. State details of any intention to provide residential care of the sort requiring registration under the Social Work (Scotland) Act 1968(**c**).

(**a**) 1976 c.83; section 12 was amended by the Health Services Act 1980 (c.53), sections 12 and 13 and Schedule 2, paragraph 1.

(**b**) Section 13 was amended by the Health Services Act 1980 (c.53), Schedule 2, paragraphs 1 and 2 and Schedule 3, paragraph 2.

(**c**) 1968 c.49.

SCHEDULE 2

Regulation 3

Column 1 *Matter in respect of which fee is payable*	Column 2 *Prescribed fee*
1. Application for registration	£600
2. Annual continuation of registration	£22 per patient bed
3. Application under section 1(3F) of the Act for a variation in any condition of registration such as is mentioned in section 1(3D) or (3E) of the Act and specified in the certificate of registration	£100
4. The issuing under section 1(3) of the Act of a new certificate following any variation, made as a result of an application under section 1(3F) of the Act, in the conditions under section 1(3D) or (3E) of the Act subject to which the registration has been granted.	£10

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which replace the Nursing Homes Registration (Scotland) Regulations 1988, provide for the registration of persons in respect of nursing homes under the Nursing Homes Registration (Scotland) Act 1938 ("the 1938 Act").

The main differences between the Regulations and those which they replace are the removal of specific requirements that a person registered must submit annually an application for continuation of registration and that continuation of registration is dependent on the Health Board's being satisfied that the person registered is complying with the provisions of his Certificate of Registration and also the removal of provisions dealing with transfer of registration on the death of a person registered. A person registered will remain liable to pay on demand the prescribed fee for the annual continuation of registration.

There are also changes made which are consequential on the removal of the provisions referred to. These relate to the provisions in the 1988 Regulations which dealt with registration, fees, transfer of registers and records, frequency of inspection and the transitional provisions.

As well as prescribing the form of an application for registration (regulation 2 and Schedule 1), the Regulations require the maintenance of registers of patients (including individual medical records) (regulations 4 and 7), of surgical operations (regulation 5), of staff and other people providing professional health-orientated services (regulation 6), and of records of fire safety procedures (regulation 8). The frequency of inspection of registered nursing homes required to be carried out by Health Boards is not less than twice in every period of 12 months (regulation 12). The Regulations describe the scope and variety of the facilities and services to be provided in every registered nursing home in order to maintain registration standards (regulation 13).

The Regulations enable Health Boards to authorise suitably qualified individuals to undertake inspections of nursing homes (regulation 11). Authorised persons are empowered to enter nursing homes at all reasonable times for inspection purposes and to obtain the production of any documents required to be maintained under the Regulations.

A fee of £600 is payable to the Health Board with an application for initial registration by a person in respect of a nursing home. The Regulations also provide for a fee, related to the number of patient beds in a nursing home, to be payable in respect of annual continuation of registration, and for fees to be payable in respect of an application for variation of conditions of registration and for any subsequent amended registration certificate issued. The fees chargeable are set out in Schedule 2 (regulation 3).

In terms of section 1(1) of the 1938 Act any person who carries on a nursing home without being duly registered is guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum (at present £2,000) and on conviction on indictment to a fine.

By section 1(1A) and 4(3) of the 1938 Act, as read with section 8 of that Act, any person who carries on a nursing home in contravention of a condition of his registration or who contravenes or fails to comply with any provision of the Regulations is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale (at present £1,000) and in the case of a continuing offence to a further fine not exceeding £2 in respect of each day on which the offence continues after conviction.

£2.30 net

ISBN 0 11 004310 3

Printed in the United Kingdom by HMSO at Edinburgh Press

800 WO 1245 C14 7/90 452/4 19593 PS 8350958 (281771)