

SCHEDULES

SCHEDULE 1

Section 57.

CONSEQUENTIAL AMENDMENTS

National Assistance Act 1948 (c.29)

- 1 In paragraph (a) of section 41(2) of the National Assistance Act 1948 for the words from " purposes " to the end of the paragraph there shall be substituted the words " purposes of Part I of the Registered Homes Act 1984 ".

Mental Health Act 1959 (c.72)

- 2 In section 128(1)(b) of the Mental Health Act 1959 for the words from "home" to the end of the subsection there shall be substituted the words " care home within the meaning of Part I of the Registered Homes Act 1984 ".

London Government Act 1963 (c.33)

- 3 The following paragraph shall be substituted for section 40(4)(i) of the London Government Act 1963—
“(i) the Registered Homes Act 1984 ;”.

Local Authority Social Services Act 1970 (c.42)

- 4 In Schedule 1 to the Local Authority Social Services Act 1970—
(a) in the entry relating to the Mental Health Act 1959, for the words "Nursing Homes Act 1975" there shall be substituted the words " Registered Homes Act 1984 "; and
(b) the following entry shall be substituted for the entry relating to the Health and Social Services and Social Security Adjudications Act 1983—

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| “Registered Homes Act 1984 (c. 23) Part I. | Registration of Residential Care Homes.”. |
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Tribunals and Inquiries Act 1971 (c.62)

- 5 In Schedule 1 to the Tribunals and Inquiries Act 1971—
(a) the following paragraph shall be substituted for paragraph 4—

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| “Registration of Voluntary Homes under Child Care Act 1980 and Children's Homes under Children's Homes Act 1982. | 4. Registered Homes Tribunals constituted under Part III of the Registered Homes Act 1984.”; |
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- (b) the following paragraph shall be substituted for paragraph 21A—

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| “Nursing Homes and Mental Nursing Homes Registration. | 21A. Registered Homes Tribunals constituted under Part III of the Registered Homes Act 1984.”; and |
| (c) the following paragraph shall be substituted for paragraph 28A— | |

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| “Residential Care Homes Registration. | 28A. Registered Homes Tribunals constituted under Part III of the Registered Homes Act 1984.”. |
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Child Care Act 1980 (c.5)

6 In section 56 of the Child Care Act 1980 for the words from " nursing " to the end of the section there shall be substituted the words " residential care home, nursing home or mental nursing home within the meaning of the Registered Homes Act 1984 ".

Foster Children Act 1980 (c.6)

7 In section 2(5) of the Foster Children Act 1980 for the words from " care " to the end of the section there shall be substituted the words " care home within the meaning of Part I of the Registered Homes Act 1984 ".

Children's Homes Act 1982 (c.20)

8 The following paragraph shall be substituted for section 1(2)(c) of the Children's Homes Act 1982—

“(c) residential care homes, nursing homes and mental nursing homes registered under the Registered Homes Act 1984;”.

Mental Health Act 1983 (c.20)

9 In paragraph (b) of section 24(3) of the Mental Health Act 1983 for the words " the Nursing Homes Act 1975 " there shall be substituted the words " Part II of the Registered Homes Act 1984 ".

10 In section 34(2) of that Act for the words " 3(4)(b) of the Nursing Homes Act 1975 " there shall be substituted the words " 23(5)(b) of the Registered Homes Act 1984 ".

11 In section 145(1) of that Act, in the definitions of "the managers " and " mental nursing home ", for the words " the Nursing Homes Act 1975 " there shall be substituted the words " the Registered Homes Act 1984 ".

SCHEDULE 2

Section 57.

TRANSITIONAL PROVISIONS AND SAVINGS

1 Where a person's registration in respect of a home was in force immediately before 1st August 1981, the Secretary of State shall not cancel the registration on any ground mentioned in paragraph (f) or (g) of subsection (1) of section 25 above

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before the expiration of the period of 3 months beginning with the day on which the relevant notice is served on him under subsection (2) or (3) of that section.

- 2 (1) In the case of a nursing home which was in existence on 1st July 1928 the registration of a person in respect of that home shall not be cancelled on the ground that the provision of paragraph (f) or (g) of section 25 above are not complied with unless, in the case of a nursing home not being a maternity home, the nursing of the patients in the home is not under the superintendence of a qualified nurse who is resident in the home.
- (2) For the purpose of sub-paragraph (1) above, a nursing home shall not be deemed to be a home which was in existence on 1st July 1928 if, in the case of a home which was carried on at that date by an individual, it has ceased since that date or ceases to be carried on by that individual solely, or, in the case of a home which was carried on at the date by a body corporate, it has ceased since that date or ceases to be under the charge of the individual under whose charge it was at that date.
- 3 Where an offence, for the continuance of which a penalty was provided, has been committed under any of the enactments repealed by the Nursing Homes Act 1975 or this Act proceedings may be taken under this Act in respect of the continuance of the offence after the commencement of this Act, in the same manner as if the offence had been committed under the corresponding provision of this Act.
- 4 (1) The Secretary of State may—
 - (a) by regulations make such transitional provision as he considers necessary or expedient in connection with any enactment contained in this Act which derives—
 - (i) from Part I or III of Schedule 4 to the Health and Social Services and Social Security Adjudications Act 1983; or
 - (ii) from the amendments to the Nursing Homes Act 1975 made by Part II of that Schedule ;
 - (b) by order repeal any provision of a local Act passed on or before 13th May 1983 if it appears to him that the provision is inconsistent with or has become unnecessary in consequence of any such enactment or of regulations made under any such enactment;
 - (c) by order amend any provision of such an Act if it appears to him that the provision requires amendment in consequence of any such enactment or of regulations made under any such enactment or of any repeal made by virtue of this sub-paragraph.
- (2) An order made in pursuance of sub-paragraph (1) above may include such incidental or transitional provisions as the Secretary of State considers are appropriate in connection with the order.
- (3) It shall be the duty of the Secretary of State, before he makes an order in pursuance of sub-paragraph (1) above amending or repealing any provision of a local Act, to consult each local authority which he considers would be affected by the amendment or repeal of that provision.

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SCHEDULE 3

Section 57.

REPEALS

| Chapter | Short Title | Extent of Repeal |
|-------------|--|---|
| 1975 c. 37. | Nursing Homes Act 1975. | The whole Act. |
| 1976 c. 83. | Health Services Act 1976. | Section 19(1), (2) and (4). |
| 1977 c. 45. | Criminal Law Act 1977. | In Schedule 6, the entry relating to the Nursing Homes Act 1975 |
| 1977 c. 49. | National Health Service Act 1977. | In Schedule 15, paragraph 66. |
| 1979 c. 36. | Nurses, Midwives and Health Visitors Act 1979. | In Schedule 7, paragraph 23 |
| 1980 c. 53. | Health Services Act 1980. | In section 16, the words " nursing homes, mental nursing homes and " In Schedule 1, paragraph 27. In Schedule 4, Part I. |
| 1982 c. 51. | Mental Health (Amendment) Act 1982. | Section 63(2). |
| 1983 c. 20. | Mental Health Act 1983. | Section 120(5). In Schedule 4, paragraph 43. |
| 1983 c. 41. | Health and Social Services and Social Security Adjudications Act 1983. | In section 11, subsection (1), in subsection (2), the words "the Nursing Homes Act 1975, ", and subsection (3). In Schedule 4, Part I, in Part II paragraphs 24 to 37 and 44, and Part III. In Schedule 9, paragraphs 4, 6, 9, 12 to 14 and 26. |