



# National Health Service and Community Care Act 1990

## 1990 CHAPTER 19

### PART III

#### COMMUNITY CARE: ENGLAND AND WALES

##### *Provision of accommodation and welfare services*

#### **43 Exclusion of powers to provide accommodation in certain cases**

After section 26 of the National Assistance Act 1948 there shall be inserted—

##### **“26A Exclusion of powers to provide accommodation under this Part in certain cases**

- (1) Subject to subsection (3) of this section, no accommodation may be provided under section 21 or 26 of this Act for any person who immediately before the date on which this section comes into force was ordinarily resident in relevant premises.
- (2) In subsection (1) “relevant premises” means—
  - (a) premises in respect of which any person is registered under the Registered Homes Act 1984;
  - (b) premises in respect of which such registration is not required by virtue of their being managed or provided by an exempt body;
  - (c) premises which do not fall within the definition of a nursing home in section 21 of that Act by reason only of their being maintained or controlled by an exempt body; and
  - (d) such other premises as the Secretary of State may by regulations prescribe;

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*Status: This is the original version (as it was originally enacted).*

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and in this subsection “exempt body” has the same meaning as in section 26 of this Act.

- (3) The Secretary of State may by regulations provide that, in such cases and subject to such conditions as may be prescribed, subsection (1) of this section shall not apply in relation to such classes of persons as may be prescribed in the regulations.
- (4) The Secretary of State shall by regulations prescribe the circumstances in which persons are to be treated as being ordinarily resident in any premises for the purposes of subsection (1) of this section.
- (5) This section does not affect the validity of any contract made before the date on which this section comes into force for the provision of accommodation on or after that date or anything done in pursuance of such a contract.”