



Community Care (Residential Accommodation) Act 1992

1992 CHAPTER 49

An Act to make further provision with respect to the making of arrangements under section 21 of the National Assistance Act 1948 for the provision of residential accommodation in premises managed by persons other than local authorities. [16th July 1992].

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The following subsections shall be substituted for subsections (1) and (1A) of section 26 of the National Assistance Act 1948 (arrangements for provision of accommodation in premises maintained by voluntary organisations etc.) in place of those set out in section 42(2) of the National Health Service and Community Care Act 1990—

“(1) Subject to subsections (1A) and (1B) below, arrangements under section 21 of this Act may include arrangements made with a voluntary organisation or with any other person who is not a local authority where—

- (a) that organisation or person manages premises which provide for reward accommodation falling within subsection (1) (a) or (aa) of that section, and
- (b) the arrangements are for the provision of such accommodation in those premises.

(1A) Subject to subsection (1B) below, arrangements made with any voluntary organisation or other person by virtue of this section must, if they are for the provision of residential accommodation with both board and personal care for such persons as are mentioned in section 1(1) of the Registered Homes Act 1984 (requirement of registration), be arrangements for the provision of

Arrangements for provision of residential accommodation in premises managed by voluntary organisations etc.
1948 c. 29.
1990 c. 19.

such accommodation in a residential care home which is managed by the organisation or person in question, being such a home in respect of which that organisation or person—

- (a) is registered under Part I of that Act, or
- (b) is not required to be so registered by virtue of section 1(4)(a) or (b) of that Act (certain small homes) or by virtue of the home being managed or provided by an exempt body;

and for this purpose “personal care” and “residential care home” have the same meaning as in that Part of that Act.

(1B) Arrangements made with any voluntary organisation or other person by virtue of this section must, if they are for the provision of residential accommodation where nursing care is provided, be arrangements for the provision of such accommodation in premises which are managed by the organisation or person in question, being premises—

- (a) in respect of which that organisation or person is registered under Part II of the Registered Homes Act 1984, or
- (b) which, by reason only of being maintained or controlled by an exempt body, do not fall within the definition of a nursing home in section 21 of that Act.

(1C) Subject to subsection (1D) below, no such arrangements as are mentioned in subsection (1B) above may be made by an authority for the accommodation of any person without the consent of such District Health Authority as may be determined in accordance with regulations.

(1D) Subsection (1C) above does not apply to the making by an authority of temporary arrangements for the accommodation of any person as a matter of urgency; but, as soon as practicable after any such temporary arrangements have been made, the authority shall seek the consent required by subsection (1C) above to the making of appropriate arrangements for the accommodation of the person concerned.

(1E) No arrangements may be made by virtue of this section with a person who has been convicted of an offence under any provision of—

- (a) the Registered Homes Act 1984 (or any enactment replaced by that Act); or
- (b) regulations made under section 16 or section 26 of that Act (or under any corresponding provisions of any such enactment).”

(2) In consequence of subsection (1) above the following enactments are hereby repealed, namely—

1990 c. 19.

- (a) section 42(2) of the National Health Service and Community Care Act 1990; and

1991 c. 20.

- (b) section 2(5)(a) of the Registered Homes (Amendment) Act 1991;

and, in section 42(3) of that Act of 1990, for “At the end of subsection (2) of that section” there shall be substituted “In section 26 of that Act (arrangements for provision of accommodation in premises maintained by voluntary organisations etc.), at the end of subsection (2)”.

2.—(1) This Act may be cited as the Community Care (Residential Accommodation) Act 1992.

Short title,
commencement
and extent.

(2) Section 1 above shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument.

(3) An order under subsection (2) above may contain such transitional provisions and savings (whether or not involving the modification of any statutory provision) as appear to the Secretary of State necessary or expedient in connection with the coming into force of section 1.

(4) This Act extends to England and Wales only.

(5) The Secretary of State may provide by order made by statutory instrument that this Act shall apply to the Isles of Scilly with such modifications, if any, as are specified in the order; and, except as provided in pursuance of this subsection, this Act does not apply to the Isles of Scilly.

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