
STATUTORY INSTRUMENTS

1991 No. 2502

SOCIAL SERVICES, ENGLAND AND WALES

The Residential Care Homes (Amendment) Regulations 1991

Made - - - - *4th November 1991*
Laid before Parliament *8th November 1991*
Coming into force - - *1st December 1991*

The Secretary of State for Health, in exercise of the powers conferred by sections 5(1), 8, 16(1) and 56(4) of the Registered Homes Act 1984⁽¹⁾ 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 Residential Care Homes (Amendment) Regulations 1991 and shall come into force on 1st December 1991.

(2) In these Regulations “the principal Regulations” means the Residential Care Homes Regulations 1984⁽²⁾.

Amendment of regulation 1 of the principal Regulations

2. In regulation 1(2) of the principal Regulations (interpretation)—

(a) for the definition of “care authority” there shall be substituted—

““care authority” in relation to a child, means the local authority whois looking after the child within the meaning of section 22(1) of the Children Act 1989⁽³⁾

(b) for the definition of “care order” there shall be substituted—

““care order” has the meaning assigned to it in section 105 of the Children Act 1989”

(c) for the definition of “independent visitor” there shall be substituted—

““independent visitor” means a person appointed as a visitor pursuant to paragraph 17 of Schedule 2 to the Children Act 1989”

(1) 1984 c. 23.

(2) S.I.1984/1345, as amended by S.I.1986/457 and 1988/1192.

(3) 1989 c. 41.

Insertion of regulation 2A into the principal Regulations

3. After regulation 2 of the principal Regulations (particulars to be supplied on an application for registration), there shall be inserted–

“Documentary evidence to be supplied on application for registration

2A. An applicant for registration under Part I of the Act shall, if the registration authority so requires, supply to that authority such birth certificate and such other documentary evidence as is specified by that authority as being necessary to substantiate the information supplied in accordance with paragraphs 1(a) or 2(a)(i) of Schedule 1 to these Regulations.”.

Amendment of Schedule 1 to the principal Regulations

4. In Schedule 1 to these Regulations (information to be supplied on an application for registration) after paragraph 2 there shall be inserted–

“2A. An applicant for registration who is the intended manager of the home (whether or not he is in control of it) shall–

- (a) supply in writing to the registration authority details with respect to his criminal convictions (if any);
- (b) where the registration authority ask him for details of any criminal convictions which are spent convictions within the meaning of section 1 of the Rehabilitation of Offenders Act 1974(4) and inform him at the time the question is asked that, by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(5) spent convictions are to be disclosed, supply in writing to the registration authority details of those convictions.”

Amendment of regulation 3 of the principal Regulations

5. In regulation 3 of the principal Regulations (fees on application for registration)–

- (a) in paragraph (1)(a) for “£155” there shall be substituted “£210”;
- (b) in paragraph (1)(b) for “£570” there shall be substituted “£770”;
- (c) in paragraph (2) for “£570” there shall be substituted “£770”.

Amendment of regulation 5 of the principal Regulations

6. In regulation 5(1) of the principal Regulations (annual fee) for “£28” there shall be substituted “£37”.

Signed by authority of the Secretary of State for Health

4th November 1991

Virginia Bottomley
Minister of State,
Department of Health

(4) 1974 c. 53.

(5) S.I. 1975/1023; the relevant amending instrument is S.I.1986/1249.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Residential Care Homes Regulations 1984.

They make amendments in respect of the definitions which relate to children consequential on the coming into force of the Children Act 1989 (regulation 2).

They also make provision for the supply by applicants for registration of documentary evidence to substantiate details as to their identity at the request of the registration authority (regulation 3) and for the disclosure of their criminal convictions (including spent convictions where the registration authority asks for such information in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975) (regulation 4).

In addition they increase the registration fees payable on applications in respect of non-controlling managers of homes from £155 to £210, on applications in respect of persons in control of homes from £570 to £770 and on applications on changes of ownership from £570 to £770 (regulation 5). They increase the annual fee payable in respect of each person in the home, from £28 to £37 (regulation 6).