
STATUTORY INSTRUMENTS

2001 No. 3965

The Care Homes Regulations 2001

PART I
GENERAL

Excepted establishments

- 3.**—(1) For the purposes of the Act, an establishment is excepted from being a care home if—
- (a) it is a health service hospital at which nursing is provided;
 - (b) it provides accommodation, together with nursing, and is vested—
 - (i) in the Secretary of State for the purposes of his functions under the National Health Service Act 1977⁽¹⁾; or
 - (ii) in an NHS trust⁽²⁾;
 - (c) it is a university;
 - (d) it is an institution within the further education sector as defined by section 91(3) of the Further and Higher Education Act 1992⁽³⁾; or
 - (e) it is a school.
- (2) For the purposes of paragraph (1), “university” includes—
- (a) any university college;
 - (b) any college, or institution in the nature of a college, of a university.
- (3) The exception in paragraph (1)(d) does not apply if—
- (a) the establishment provides accommodation together with nursing or personal care to any person; and
 - (b) the number of such persons is more than one tenth of the number of students to whom it provides both education and accommodation.

(1) 1977 c. 49.

(2) See section 5 of the National Health Service and Community Care Act 1990 (c. 19) as amended by paragraph 69 of Schedule 1 to the Health Authorities Act 1995 (c. 17) and section 13(1) of the Health Act 1999 (c. 8).

(3) 1992 c. 13.