

Consolidated text

ORDINANCE
OF THE STATES OF ALDERNEY

ENTITLED

The Nursing Homes Ordinance, 1988 *

[CONSOLIDATED TEXT]

NOTE

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* Alderney Ordinance No. IX of 1988; as amended by the Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306); the Fees (Alderney) Ordinance, 1990 (Alderney Ordinance No. V of 1990); the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Alderney Ordinance No. II of 1997).

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ARRANGEMENT OF SECTIONS

1. Provision of facilities and services.
2. Limitation of numbers of persons in nursing homes.
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(Made on the 6th April, 1988.)

The Nursing Homes Ordinance, 1988

THE STATES, in pursuance of their Resolution of the 13th day of December, 1985, and in exercise of the powers conferred upon them by section 1(2) and section 8 of the Nursing and Residential Homes (Registration and Occupation) (Alderney) Law, 1987^a, hereby order: –

Provision of facilities and services.

1. The manager of a nursing home registered under the Law shall –
 - (a) provide for each patient efficient nursing care and for that purpose employ by day and by night suitable qualified and competent staff in numbers which are adequate having regard to the size of the home and the number and condition of the patients received therein,
 - (b) provide for each patient in the home by day and by night reasonable accommodation and space having regard to his or her age, sex and condition, including the nature and degree of any illness or disability from which he or she is suffering,
 - (c) provide adequate and suitable furniture, bedding, curtains and, where necessary, suitable screens and floor covering in rooms occupied or used by patients,

^a Ordre en Conseil Vol. XXX p. 371.

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- (d) provide appropriate and suitable medical and nursing equipment and treatment facilities, having regard to the condition of the patients received therein,
- (e) provide for the use of patients a sufficient number of washbasins and baths fitted with a hot and cold water supply, a sufficient number of water-closets and any necessary sluicing facilities,
- (f) provide adequate light, heating and ventilation in all parts of the home occupied or used by patients,
- (g) keep all parts of the home occupied or used by patients in good structural repair, clean, tidy and reasonably decorated,
- (h) take adequate precautions against the risk of fire and accident, having regard in particular to the conditions of such patients as are received therein,
- (i) provide sufficient and suitable kitchen equipment, crockery and cutlery, together with adequate facilities for the preparation and storage of food,
- (j) supply adequate, suitable and properly prepared food for every patient,
- (k) arrange for the regular laundering of linen and articles of clothing,

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- (l) make suitable arrangements for the disposal of soiled dressings and other similar articles,
- (m) arrange as may be necessary for the provision for any patient of medical and dental services,
- (n) make suitable arrangements for the safe keeping and handling of drugs,
- (o) permit persons authorised in writing in that behalf by the Committee to interview in private any person received into the home.

Limitation of numbers of persons in nursing homes.

2. (1) The Committee may make it a condition of the registration of a person in respect of any nursing home that the number of persons or persons of any description who may be received into the home shall not exceed such number as may be specified in the certificate of registration.

(2) The Committee may, upon the application of any person registered in respect of any nursing home or otherwise, vary the number of persons or persons of any description specified under this Ordinance for that home and shall serve upon the person registered in respect of that home notice in writing of such variation and of the date (being a date not earlier than 30 days after the service of such notice) upon which the variation shall have effect.

(3) A notice under subsection (2) of this section shall not prohibit the retention in the home of persons accommodated in the home in excess of the permitted number at the time when the notice has effect.

Records.

3. (1) The manager of a nursing home shall maintain a register of patients received into the nursing home which register shall include the following particulars –

- (a) the name and address of the patient,
- (b) the date on which the patient entered the nursing home,
- (c) the date on which the patient left the nursing home,
- (d) if such patient died at the nursing home, the date and hour of death.

(2) In the case of a maternity home, the register of patients maintained in accordance with subsection (1) of this section shall include, in addition to the particulars mentioned in that subsection, the following particulars –

- (a) the date and hour of delivery of the patient, the number of children then born, their sex and whether born alive or dead,
- (b) the name of the person who delivered the patient,
- (c) the method of feeding each child and, if the method is varied, the period or periods during which each method was followed,
- (d) the date and hour of any miscarriage occurring in the

home,

- (e) the date on which any child born to a patient in the nursing home left the nursing home,
- (f) if any child born to a patient in the nursing home died at the nursing home, the date and hour of death.

(3) The manager of a nursing home shall maintain a case record in respect of each patient which shall include the following particulars –

- (a) in respect of a patient suffering from acute illness, or a patient to whom a child is born in the nursing home, a daily statement of the patient's health,
- (b) in respect of any other patient in the nursing home, a periodical statement of the patient's health.

(4) In the case of a maternity home, the manager shall in addition to the case records maintained in accordance with subsection (3) of this section, maintain a case record in respect of each child born in the nursing home which shall include a daily statement of the child's health.

Registration fee.

4. ...

NOTE

Section 4 was repealed by the Fees (Alderney) Ordinance, 1990, section 3, with effect from 5th September, 1990.

Offences.

5. (1) Where the Committee considers that the manager of a nursing home has failed or is failing to conduct the home in accordance with section 1 of this Ordinance the Committee may give written notice by post to the manager specifying in what respect the manager, in the opinion of the Committee, has failed or is failing to comply with the requirements of that section and what, in the opinion of the Committee, it is necessary for the manager to do so as to comply with the said requirements.

(2) Where notice has been given in accordance with subsection (1) of this section and a period of three months, or such shorter period as may have been specified in the notice, beginning with the date of the notice, has expired, any manager who contravenes or fails to comply with any provision of section 1 of this Ordinance mentioned in the notice shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 4 on the Alderney uniform scale] or, in the case of a second or subsequent offence, to imprisonment for a term not exceeding three months or to a fine not exceeding [level 4 on the Alderney uniform scale] or to both.

NOTE

In section 5, the words and figures in square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st July, 1989.

Interpretation.

6. (1) In this Ordinance, unless the context otherwise requires –

"the Committee" means the States of Alderney [General Services

Committee],

"**the Law**" means the Nursing and Residential Homes (Registration and Occupation) (Alderney) Law, 1987,

"**the manager**" means the person or persons registered in respect of a nursing home under the Law,

"**nursing home**" means any premises used or intended to be used for the reception of, and the provision of nursing for, persons suffering from any sickness, injury or infirmity, and includes a maternity home, but does not include any hospital maintained in whole or in part by the States of Alderney or the States of Guernsey,

and any other expressions have the same meanings as in the Law.

(2) The Interpretation (Guernsey) Law, 1948^b applies to the interpretation of this Ordinance as it applies to the interpretation of an enactment in force in the Island of Guernsey.

NOTES

In section 6, the words in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part II, paragraph 25, with effect from 2nd April, 1997.

The functions of the Health and Welfare Committee under this Ordinance were transferred to the General Services Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part II, paragraph 25, with effect from 2nd April, 1997,

^b Ordres en Conseil Vol. XIII, p. 355.

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subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.

Citation.

7. This Ordinance shall be cited as the Nursing Homes Ordinance, 1988.

Commencement.

8. This Ordinance shall come into force on the 6th ay of April, 1988.