

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **The Residential Homes Ordinance, 1977 \***

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Recueil d'Ordonnances Tome XXI, p. 89; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

ORDINANCE  
OF THE STATES OF DELIBERATION

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**The Residential Homes Ordinance, 1977**

ARRANGEMENT OF SECTIONS

1. Provision of facilities and services.
2. Limitation of numbers of persons in residential homes.
3. Inspection of residential homes.
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*(Made on the 28th September, 1977.)*

## **The Residential Homes Ordinance, 1977**

**THE STATES**, in exercise of the powers conferred upon them by subsection (2) of section one and section twelve of the Nursing Homes and Residential Homes (Guernsey) Law, 1976<sup>a</sup>, and by section five of the Law entitled "Loi précisant les pouvoirs de la Cour des Chef-Plaids de décerner la peine d'emprisonnement et d'autoriser la visite des Prémisses" registered on the twenty-third day of May, nineteen hundred and thirty-six<sup>b</sup>, and of all other powers enabling them in that behalf, hereby order: –

### **Provision of facilities and services.**

**1.** The manager of a residential home registered under the provisions of the Law shall –

- (a) provide for each person received into the home such accommodation and space by day and by night as is reasonable having regard to his or her age and sex and the nature and degree of any illness or disability from which such person may be suffering,
- (b) provide adequate and suitable furniture, bedding, curtains and, where necessary, equipment, screens and floor covering in rooms occupied or used by persons received into the home,
- (c) provide for the use of persons received into the home a sufficient number of wash-basins and baths fitted with a hot and cold water supply, a sufficient number of water-closets and any necessary sluicing facilities,

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<sup>a</sup> Ordre en Conseil No. VII of 1976.

<sup>b</sup> Ordres en Conseil Vol. X, p. 355.

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- (d) provide adequate light, heating and ventilation in all parts of the home occupied or used by persons received into the home,
- (e) keep all parts of the home occupied or used by persons received into the home in good structural repair, clean, tidy and reasonably decorated,
- (f) take adequate precautions against the risk of fire and accident, having regard in particular to the condition of such persons as are received there,
- (g) provide sufficient and suitable kitchen equipment, crockery and cutlery, together with adequate facilities for the preparation and storage of food,
- (h) supply adequate, suitable and properly prepared food for every person received into the home,
- (i) arrange for the regular laundering of linen and articles of clothing,
- (j) employ by day and by night suitably qualified and competent staff in numbers which are adequate having regard to the size of the home and the number and condition of the persons received there,
- (k) permit persons authorised in that behalf by [the Committee] to interview in private any person received into the home,
- (l) arrange as may be necessary for the provision for any person received into the home of medical and dental services, and
- (m) make suitable arrangements for the safe keeping and

handling of drugs.

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**NOTE**

*In section 1, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.*

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**Limitation of numbers of persons in residential homes.**

2. (1) [The Committee] may make it a condition of the registration under the Law of any residential 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 residential home or otherwise, vary the number of persons or persons of any description specified under the provisions of this Ordinance for that home and shall send by post to the person registered in respect of the home notice that, on and after a date not earlier than thirty days from the service of the notice, the variation shall have effect.

(3) A notice under the foregoing subsection 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.

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**NOTE**

*In section 2, the words "The Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.*

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**Inspection of residential homes.**

3. A person authorised in writing in that behalf by [the Committee] may (on production of such authority if so required) at all reasonable times enter a residential home and may make such examination and inquiry as may be necessary to ascertain whether the provisions of this Ordinance are being complied with.

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**NOTE**

*In section 3, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016.*

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**Records.**

4. The manager of a residential home shall maintain a register of persons received into the residential home which register shall include the following particulars –

- (a) the name and previous address of each person so received,
- (b) the date on which such person was so received,
- (c) the date on which such person left the home,
- (d) if such person died at the residential home, the date and hour of death.

**Registration fee.**

5. The fee which shall accompany an application made under the provisions of section one of the Law for the registration of a person in respect of a residential home shall be one pound.

**Offences.**

6. (1) Where [the Committee] considers that the manager of a residential home has failed or is failing to conduct the home in accordance with the provisions of section one 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 the foregoing subsection 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 one of this Ordinance mentioned in the notice shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 2 on the 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 3 on the uniform scale] or to both such imprisonment and such fine.

(3) Any person who receives persons or persons of any description into a residential home in contravention of any condition or requirement imposed under section two of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 2 on the 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 3 on the uniform scale] or to both such imprisonment and such fine.

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**NOTES**

*In section 6,*

*the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016;*

*the words and figures in square brackets in subsection (2) and subsection (3) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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**Obstruction.**

7. Any person who wilfully obstructs –

- (a) the Medical Officer of Health or any person duly authorised in writing by [the Committee] in accordance with the provisions of section nine of the Law in the exercise of the powers conferred upon him by the said section nine, or

- (b) any person duly authorised in writing by [the Committee] in accordance with the provisions of section three of this Ordinance in the exercise of the powers conferred upon him by the said section three,

shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 1 on the uniform scale].

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## NOTES

*In section 7,*

*the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 6, with effect from 1st May, 2016;*

*the words and figure in the third pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.*

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## Interpretation.

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

"[the Committee]" means the States [Committee for Health & Social Care],

"the Law" means the Nursing Homes and Residential Homes (Guernsey) Law, 1976,

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

"residential home" means any establishment the sole or main object of which is, or is held out to be, the provision of accommodation, whether for reward or not, for –

- (a) persons who are blind, deaf or dumb or other persons

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who are substantially and permanently handicapped by illness, injury or congenital deformity, or

(b) the aged, or

(c) both,

Provided that the said expression does not include –

(i) any hospital, or

(ii) any nursing home as defined in the Law,

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

(2) Any reference in this Ordinance to any other enactment shall, except where the context otherwise requires, be construed as a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment including this Ordinance.

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**NOTES**

*In section 8, the words, first, "the Committee" and, second, "Committee for Health & Social Care" in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 6 and section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016.<sup>1</sup>*

*The functions, rights and liabilities of the Health and Social Services Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Health & Social Care and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 5, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>2</sup>*

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**Citation.**

9. This Ordinance may be cited as the Residential Homes Ordinance, 1977.

**Commencement.**

**10.** This Ordinance shall come into force on the first day of February, nineteen hundred and seventy-eight.

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<sup>1</sup> The words "Committee for Health & Social Care" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 4, with effect from 6th May, 2004.

<sup>2</sup> The functions, rights and liabilities of the Health and Social Services Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Board of Health and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 4, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.