

Consolidated text

ORDINANCE
OF THE STATES OF ALDERNEY

ENTITLED

The Residential Homes Ordinance, 1988 *

[CONSOLIDATED TEXT]

NOTE

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* Alderney Ordinance No. X 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).

**ORDINANCE
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ARRANGEMENT OF SECTIONS

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

The Residential 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 residential home registered under 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,

^a Order en Conseil Vol. XXX, p. 371.

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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.

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 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 30 days from the service of the notice, 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. 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.

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 residential 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 residential home under 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 –

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- (a) persons who are blind, deaf or dumb or other persons who are substantially and permanently handicapped by illness, injury or congenital deformity, or
- (b) the aged, or
- (c) both,

but 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) 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 24, 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,

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

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Schedule 2, Part II, paragraph 24, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.

Citation.

7. This Ordinance may be cited as the Residential Homes Ordinance, 1988.

Commencement.

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