



Jersey

**NURSING HOMES AND MENTAL
NURSING HOMES (GENERAL
PROVISIONS) (JERSEY) ORDER 1995**

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Jersey

NURSING HOMES AND MENTAL NURSING HOMES (GENERAL PROVISIONS) (JERSEY) ORDER 1995

Arrangement

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Jersey

NURSING HOMES AND MENTAL NURSING HOMES (GENERAL PROVISIONS) (JERSEY) ORDER 1995¹

THE HEALTH AND SOCIAL SERVICES COMMITTEE in pursuance of Articles 3, 4, 14 and 15 of the Nursing and Residential Homes (Jersey) Law 1994,² orders as follows—

Commencement [[see endnotes](#)]

1 Interpretation

In this Order, unless the context otherwise requires –

“child” means a patient under the age of 20 years;

“class 3B laser product” and “class 4 laser product” have the meanings assigned to them in Part I of British Standard 4803:83 (Radiation safety of laser products and systems) as effective on 31st March 1983;

“fire authority” means the States of Jersey Fire and Rescue Service;

“home” means a nursing home or mental nursing home;

“Law” means the Nursing and Residential Homes (Jersey) Law 1994;³

“patient” means a patient in a home;

“person registered” means any person registered in respect of the home;

“specially controlled technique” means a technique specified in Article 11.

2 Application for registration

- (1) An application for registration under Article 4 of the Law shall be –
 - (a) in the form set out in Part 1 of Schedule 1; and
 - (b) accompanied by the information mentioned in Part 2 of Schedule 1.

- (2) An applicant for registration shall, if the Minister so requires, supply to the Minister such documentary evidence as is specified by the Minister as being necessary to substantiate the information supplied under Part 2 of Schedule 1.

3 Registration fee

The registration fee to accompany an application for registration under Article 4 of the Law shall be –

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| (a) in the case of an application in respect of the person who is or is intended to be in charge of the premises who is not the person carrying on the home | £63.50 |
| (b) in the case of an application in respect of the person carrying on the home | £149.75. ⁴ |

4 Annual fee

- (1) Subject to paragraph (3) a person registered in respect of a home as being the person carrying on the home shall pay an annual fee of £76.50.⁵
- (2) The annual fee shall be paid within one month of the date on which the certificate of registration is issued and thereafter not later than 31st January in each year.
- (3) Where a certificate of registration is issued on or after 1st July in any year the annual fee for that year shall be one half of that prescribed in paragraph (1).

5 Replacement of certificate of registration

Where the person registered satisfies the Minister that his or her certificate of registration has been accidentally lost, destroyed or defaced, the Minister may upon payment of a fee of £20 issue a new certificate in place thereof.

6 Records

- (1) The person registered shall keep a record in the form of a register of all patients, which register shall, in respect of each patient, and as from the date when the patient enters the home, include the particulars specified in Part 1 of Schedule 2 and, in the case of a maternity home, the additional particulars specified in Part 2 of that Schedule.
- (2) The person registered shall keep a separate record in the form of a register of –
- (a) all surgical operations performed in the home which register shall include the name of the registered medical practitioner or registered dentist who performed the operation and the name of the anaesthetist in attendance;

-
- (b) where the home is a nursing home, any occasion on which a specially controlled technique is used, the nature of that technique, the name of the person using it and, where that person is not a registered medical practitioner or registered dentist, the name of the registered medical practitioner or registered dentist in accordance with whose directions the technique was used.
 - (3) Any record in the form of a register kept under paragraph (1) or (2) shall be retained for a period of not less than one year beginning with the date on which the last entry was made in the register.
 - (4) The person registered shall keep a case record in the home in respect of each patient which shall include the following particulars –
 - (a) an adequate daily statement of the patient's health and condition; and
 - (b) details of any investigations made, surgical operations carried out and treatment given.
 - (5) In the case of a maternity home, in addition to the register and case records kept under paragraphs (1), (2) and (4), the person registered shall keep a case record of each child born to a patient in the home which shall include the particulars specified in Part 3 of Schedule 2.
 - (6) The case records kept under paragraphs (4) and (5) shall be retained for a period of not less than one year beginning with the date on which the patient to whom, or to whose child, they relate ceases to be a patient in the home.
 - (7) The person registered shall keep a record of the staff employed at the home which shall include the name, date of birth and details of position and dates of employment at the home of each member of staff and, in respect of the nursing staff, details of their qualifications.
 - (8) The person registered shall keep a record of –
 - (a) all fire practices which take place at the home;
 - (b) all fire alarm tests carried out at the home together with the result of any such test and the action taken to remedy defects; and
 - (c) the procedure to be followed in the event of fire.
 - (9) The person registered shall keep a record of maintenance carried out on medical, surgical and nursing equipment in the home.
 - (10) Any records made under the Mental Health (Jersey) Law 1969⁶ which relate to the detention or treatment of a patient in a mental nursing home shall be kept for a period of not less than 5 years beginning with the date on which the person to whom they relate ceases to be a patient in that home.

7 Registers

- (1) The registers kept by the Minister for the purposes of the Law shall contain the particulars specified in Schedule 3.

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- (2) The fee for copying an entry in a register kept by the Minister shall be £5 per page.

8 Notices in respect of deaths

- (1) If a patient, or a child born to a patient, dies in the home, the person registered shall give notice in writing of the death to the Minister not later than 24 hours after it occurs.
- (2) For the purposes of paragraph (1) no account shall be taken of any part of a period of 24 hours which falls on a Saturday, Sunday, Christmas Day, Good Friday or a day appointed as a public holiday under the Public Holidays and Bank Holidays (Jersey) Law 1951.⁷

9 Notice of absence

- (1) Subject to paragraph (5), where the person carrying on the home or, as the case may be, the person in charge of it proposes to be absent from the home for a period of 4 weeks or more the person carrying on the home shall give notice in writing to the Minister of the proposed absence.
- (2) Except in the case of an emergency, the notice referred to in paragraph (1) above shall be given no later than one month before the proposed absence or within such shorter period as may be agreed with the Minister and the notice shall specify –
- (a) the length or expected length of the proposed absence;
 - (b) the reason for that absence;
 - (c) the arrangements which have been made for the running of the home during that absence; and
 - (d) the name, address and qualifications of the person who will be responsible for the home during that absence.
- (3) Where the absence arises as a result of an emergency, the person carrying on the home shall give notice of the absence within one week of its occurrence and the notice shall specify the matters referred to in paragraph (2)(a) to (d).
- (4) The person carrying on the home shall notify the Minister in writing of his or her return or, as the case may be, the return of the person in charge of the home within one week of that return.
- (5) The provisions of this Article shall not apply where it is not proposed to accommodate any patient in the home during the absence of the person carrying on or, as the case may be, in charge of the home.

10 Provision of facilities and services

- (1) The person registered shall, having regard to the size of the home and the number, age, sex and condition of residents –
- (a) employ by day and by night suitably qualified and competent professional, technical, ancillary and other staff in numbers which are adequate to ensure the well being of patients;⁸

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- (b) provide for each patient in the home adequate accommodation and space, including, where appropriate, day-room facilities;
 - (c) provide adequate furniture, bedding, curtains and where necessary adequate screens and floor covering in rooms occupied or used by patients;
 - (d) provide and maintain adequate medical, surgical and nursing equipment and adequate treatment facilities;
 - (e) provide for the use of patients adequate wash basins and baths supplying hot and cold water and adequate water closets and sluicing facilities;
 - (f) provide adequate light, heating and ventilation in all parts of the home occupied by or used by patients;
 - (g) keep all parts of the home occupied or used by patients in good structural repair, clean and reasonably decorated;
 - (h) take adequate precautions against the risk of fire, including the provision of adequate means of escape in the event of fire and make adequate arrangements for detecting, containing and extinguishing fires, for the giving of warnings and for the evacuation of all persons in the home in the event of fire and for the maintenance of fire fighting equipment;
 - (i) make adequate arrangements to secure by means of fire drills and practices that the staff in the home and, so far as practicable, patients know the procedure to be followed in the case of fire including the procedure for saving life;
 - (j) provide adequate kitchen equipment, crockery and cutlery and adequate facilities for the preparation and storage of food;
 - (k) supply adequate food for every patient;
 - (l) arrange adequate laundering facilities;
 - (m) make adequate arrangements for the disposal of swabs, soiled dressings, instruments and similar substances and materials;
 - (n) make adequate arrangements for patients in the home where necessary to receive medical and dental services;
 - (o) make adequate arrangements for the recording, safe keeping, handling and disposal of drugs;
 - (p) provide adequate arrangements for the prevention of infection, toxic conditions, or spread of infection at the home;
 - (q) make adequate arrangements where appropriate for the training or occupation and recreation of patients and play and education facilities for children;
 - (r) provide adequate facilities for patients to receive visitors in private;
 - (s) take adequate precautions against the risk of accident; and
 - (t) provide adequate facilities for any person authorized by the Minister to interview in private any patient in the home.⁹
- (2) The person registered shall –
- (a) provide for the home to be connected to a public telephone service;

- (b) where the home is a maternity home or a home in which surgical operations are undertaken or life support systems used, provide such electrical supply as during interruption of public supply is needed to safeguard the lives of the patients;
- (c) at such times as may be agreed with the fire authority, consult that authority on fire precautions in the home;
- (d) make adequate arrangements either with the Minister or otherwise for the care of patients, and children born to patients, in medical emergencies; and
- (e) make adequate arrangements for the running of the home while he or she, or if he or she is not in charge of the home, the person who is in charge of it is absent from the home.

11 Specially controlled techniques

Any technique of medicine or surgery (including cosmetic surgery) involving the use of a class 3B laser product or a class 4 laser product (being a technique of medicine or surgery as to which the Minister is satisfied that its use may create a hazard for persons treated by means of it or for the staff of any premises where the technique is used) is specified as subject to control for the purposes of the Law.

12 Conduct of nursing homes using specially controlled techniques

The person registered shall ensure that any treatment (including diagnosis) by specially controlled technique in a nursing home is carried out only by a person who is, or who is acting in accordance with the directions of, a registered medical practitioner or a registered dentist.

13 Inspection of homes

- (1) Subject to paragraph (2), a person authorized by the Minister to carry out an inspection pursuant to Article 19 of the Law may require the person registered to furnish such information in relation to the home as may reasonably be required for the purposes of the inspection.
- (2) Nothing in this Article shall authorize any person other than a registered medical practitioner in the service of the States to inspect any clinical record relating to a patient in a home.

14 Frequency of inspections

Inspection of the home pursuant to Article 19 of the Law may be made on such occasions and at such times as the Minister may decide, so however that every home shall be inspected not less than twice in every period of 12 months.

15 Visits by person carrying on the home

- (1) Where the person carrying on the home is not also the person in charge of the home he or she shall at least once in every month visit the home or

arrange for another person to visit the home on his or her behalf and to report in writing to him or her on the conduct of the home.

- (2) Where the person carrying on the home is a company, society, association or other body or firm, the directors or other persons responsible for the management of the body or the partners of the firm shall arrange for one or more of their number to visit the home at least once in every month and to report in writing to them on the conduct of the home.

16 Offences

- (1) Any person who fails without reasonable cause –
- (a) to keep or retain any record which he or she is required to keep or retain under Article 6 or Schedule 2;
 - (b) to give to the Minister any notice which he or she is required to give under Article 8 or 9; or
 - (c) to furnish any information which he or she is required to furnish under Article 13,
- shall be guilty of an offence against this Order.
- (2) Any person who fails to comply with any provision of Article 10 shall be guilty of an offence against this Order.
- (3) Subject to paragraph (4), proceedings shall not be brought against any person in respect of any failure referred to in paragraph (1) or (2) unless –
- (a) the Minister has served on that person a notice in writing specifying –
 - (i) the provision of this Order with which that person, in the Minister's opinion, has failed or is failing to comply,
 - (ii) the respect in which, in the Minister's opinion, that person has failed or is failing to comply with that provision,
 - (iii) the action which, in the Minister's opinion, should be taken by that person so as to comply with that provision, and
 - (iv) the period within which such action should be taken; and
 - (b) the period referred to in sub-paragraph (a)(iv) has expired.
- (4) The provisions of this Article shall not apply where the Minister has applied for an order under Article 11 of the Law or while such an order is in force.
- (5) Any person who fails to comply with Article 12 shall be guilty of an offence against this Order.
- (6) Any person guilty of an offence against this Order shall be liable to a fine not exceeding level 4 on the standard scale.¹⁰

17 Form and service of notices

Any notice which is required under this Order to be given to any person shall be in writing and may be served on him or her by delivering it personally to him or

her or by post and shall be deemed to be properly addressed to him or her if it is addressed to him or her at the home.

18 Compliance with Order

Where there is more than one person registered in respect of a home, anything which is required under the foregoing provisions of this Order to be done by the person registered in respect of the home shall, if done by one of the persons so registered, not be required to be done by any other person registered in respect of the home.

19 Citation

This Order may be cited as the Nursing Homes and Mental Nursing Homes (General Provisions) (Jersey) Order 1995.

SCHEDULE 1

(Article 2(1)(a))

PART 1

NURSING AND RESIDENTIAL HOMES (JERSEY) LAW 1994

APPLICATION FOR REGISTRATION OF NURSING HOME OR MENTAL NURSING HOME

Name of applicant

Address

.....

.....

Telephone Number

The applicant is –

[Tick appropriate box]

- (a) the person carrying on or intending to carry on the home;
- (b) the person in charge or intended to be in charge of the home; or
- (c) both (a) and (b).

Type of home

Name of home

Address

.....

.....

Telephone number

Form of construction of home

.....

Date on which home was established

or is to be established

Signature of applicant

PART 2

(Article 2(1)(b))

INFORMATION TO BE SUPPLIED ON AN APPLICATION FOR REGISTRATION

- 1** Where the application for registration is made by the person who is or is intended to be in charge of the home and he or she is not the person carrying on the home he or she shall supply in writing to the Minister the following information –
 - (a) details of his or her professional or technical qualifications and experience (if any) of running a home;
 - (b) the names and addresses of his or her previous employers and of 2 referees; and
 - (c) if the Minister so requests, a report by a registered medical practitioner on the state of the applicant's health.

- 2** Where the application for registration is made by the person carrying on the home –
 - (a) that person shall, in a case other than one specified in subparagraph (b), supply to the Minister the following information –
 - (i) details of his or her professional or technical qualifications and experience (if any) of running a home,
 - (ii) the names and addresses of his or her previous employers and of 2 referees, and
 - (iii) if the Minister so requests, a report by a registered medical practitioner on the state of the applicant's health;
 - (b) that person shall, in the case of a company, society, association or other body or firm supply to the Minister the following information –
 - (i) the address of the registered office or principal office of the body or firm and the full names, dates of birth and addresses of the chairman and secretary of the company, or other persons responsible for the management of the body or the partners of the firm, and
 - (ii) if the Minister so requests, details of their professional or technical qualifications and experience (if any) of running a home.

- 3** An applicant for registration shall supply –
 - (a) in the case of an individual, details with respect to his or her criminal convictions (if any); and
 - (b) in the case of a company, society, association or other body or firm, details with respect to the criminal convictions (if any) of every director or other officer of the company, or of the persons

responsible for the management of the body or of the partners of the firm.

- 4 An applicant to whom paragraph 2 applies shall also supply to the Minister the following information –
- (a) the address of any other home or residential care home, or any voluntary home or children’s home within the meaning of the Children (Jersey) Law 1969,¹¹ in which the applicant has or had a business interest and the nature and extent of his or her interest;
 - (b) the accommodation available, and the equipment and facilities provided or to be provided in the home;
 - (c) whether any other business is or will be carried on in the same premises as the home, whether the premises or any part of the premises are or have been registered as a residential care home and whether the applicant proposes to register the premises as a residential care home;
 - (d) the number of patients for whom the home is proposed to be used distinguishing between different categories of patients and indicating the age-range of patients in each category;
 - (e) the full names, ages, qualifications and experience of persons employed or proposed to be employed in the management of the home and whether they are or will be resident in the home;
 - (f) the arrangements for the management and control of the home;
 - (g) the full names and qualifications of any resident or non-resident employed medical practitioners;
 - (h) the full names and (where appropriate) qualifications and grades of the nursing and other professional, technical, administrative and ancillary staff (other than staff included under sub-paragraph (g)) employed or proposed to be employed in the home distinguishing between resident and non-resident staff;
 - (i) the number of hours in each week which the staff referred to in sub-paragraphs (g) and (h) are or are to be required to work;
 - (j) the details of arrangements made or proposed to be made in pursuance of any of the matters mentioned in Article 10;
 - (k) the arrangements made for the supply of blood and blood products; and
 - (l) the arrangements made for the provision of pathology and radiology services.

SCHEDULE 2

(Article 6)

RECORDS**PART 1****PARTICULARS TO BE INCLUDED IN THE REGISTER OF PATIENTS**

- 1 The name, address, date of birth and marital status of each patient.
- 2 The name, address and telephone number, if any, of the patient's next of kin or any person authorized by the patient to act on the patient's behalf.
- 3 The name, address and telephone number of the patient's medical practitioner.
- 4 Where the patient is a child, the name and address of the school which he or she attends or attended before entering the home.
- 5 The name, address and telephone number of the person required to supervise the welfare of the patient.
- 6 The name and address of any authority, organisation or body which arranged the patient's admission to the home.
- 7 The date on which the patient entered the home.
- 8 If the patient has left the home, the date on which he or she left it.
- 9 If the patient is transferred to a hospital, the date of and reasons for the transfer and the name of the hospital to which the patient is transferred.
- 10 If the patient died in the home, the date, time and cause of death.

PART 2**ADDITIONAL PARTICULARS TO BE INCLUDED IN THE REGISTER OF
PATIENTS IN A MATERNITY HOME**

- 1 The date and time of delivery of each patient, the number of children then born to the patient, their sex and whether born alive or dead.
- 2 The name and qualifications of the person who delivered the patient.
- 3 The date and the time of any miscarriage occurring in the home.
- 4 The date on which any child born to a patient left the home.
- 5 If any child born to a patient died in the home, the date and time of the death.

PART 3

PARTICULARS TO BE INCLUDED IN THE CASE RECORD OF A CHILD BORN IN A MATERNITY HOME

- 1** Details of the weight and condition of the child at birth.
- 2** A daily statement of the child's health.
- 3** If any paediatric examination is carried out involving any of the following procedures –
 - (a) examination for congenital abnormalities including congenital dislocation of the hip;
 - (b) measurement of the circumference of the head of the child;
 - (c) measurement of the length of the child;
 - (d) screening for phenylketonuria,details of each such examination.

SCHEDULE 3

(Article 7)

**PARTICULARS TO BE RECORDED IN THE REGISTER KEPT BY THE
MINISTER**

- 1** The full name and address of the person registered in respect of the home and, where both the person carrying on the home and the person in charge of it are registered in respect of it, their full names and addresses.
- 2** Where the person registered is a company, society, association or other body or firm the address of its registered office or principal office and the full names and addresses of the directors, or other persons responsible for the management of that body or the partners of the firm.
- 3** The name, address and telephone number of the home.
- 4** The name, address, date of birth and marital status of each patient.
- 5** The date of registration and of the issue of the certificate of registration and, where applicable, the date of any cancellation of registration.
- 6** The details of any conditions imposed on registration and of any addition to those conditions or variation thereof.

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement
Nursing Homes and Mental Nursing Homes (General Provisions) (Jersey) Order 1995	R&O.8813	1 April 1995
Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment) (Jersey) Order 1995	R&O.8896	1 January 1996
Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 2) (Jersey) Order 1996	R&O.9002	1 January 1997
Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 3) (Jersey) Order 1997	R&O.9167	1 January 1998
Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 4) (Jersey) Order 1998	R&O.9331	1 January 1999
Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 5) (Jersey) Order 2000	R&O.25/2000	15 March 2000
Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 6) (Jersey) Order 2000	R&O.138/2000	1 January 2001
Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 7) (Jersey) Order 2001	R&O.186/2001	1 January 2002
Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 8) (Jersey) Order 2002	R&O.165/2002	1 January 2003
Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 9) (Jersey) Order 2003	R&O.16/2003	17 March 2003
Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 10) (Jersey) Order 2003	R&O.136/2003	1 January 2004
Nursing Homes and Mental	R&O.149/2004	1 January 2005

Legislation	Year and No	Commencement
Nursing Homes (General Provisions) (Amendment No. 11) (Jersey) Order 2004		
Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 12) (Jersey) Order 2005	R&O.11/2005	11 February 2005
States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005	R&O.45/2005	9 December 2005
Nursing Homes and Mental Nursing Homes (General Provisions) (Amendment No. 13) (Jersey) Order 2005	R&O.112/2005	1 January 2006

Table of Renumbered Provisions

Original	Current
1(1)	1
1(2), (3), (4)	spent, omitted from this revised edition
10(1)(j)	10(1)(i)
(k)	(j)
(l)	(k)
(m)	(l)
(n)	(m)
(o)	(n)
(p)	(o)
(q)	(p)
(r)	(q)
(s)	(r)
(t)	(s)
(u)	(t)
FIRST SCHEDULE	SCHEDULE 1
PART I	PART 1
PART II	PART 2
paragraph 4(j)	paragraph 4(i)
paragraph 4(k)	paragraph 4(j)
paragraph 4(l)	paragraph 4(k)
paragraph 4(m)	paragraph 4(l)
SECOND SCHEDULE	SCHEDULE 2
PART I	PART 1
PART II	PART 2
PART III	PART 3
THIRD SCHEDULE	SCHEDULE 3

Table of Endnote References

- ¹ *This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- ² *chapter 20.725*
- ³ *chapter 20.725*
- ⁴ *Article 3 amended by R&O.8896, R&O.9002, R&O.9167, R&O.9331, R&O.25/2000, R&O.138/2000, R&O.186/2001, R&O.165/2002, R&O.136/2003, R&O.149/2004, R&O.112/2005*
- ⁵ *Article 4(1) amended by R&O.8896, R&O.9002, R&O.9167, R&O.9331, R&O.25/2000, R&O.138/2000, R&O.186/2001, R&O.165/2002, R&O.136/2003, R&O.149/2004, R&O.112/2005*
- ⁶ *chapter 20.650*
- ⁷ *chapter 15.560*

⁸

R&O.11/2005 contains the following transitional provision in relation to the substitution of this sub-paragraph -

“3 Transitional provisions

- (1) This Article applies to a person whose registration is in force at the date on which this Order comes into force.*
- (2) During the transitional period –*
 - (a) the amendment made by Article 2 shall not have effect in relation to a person to whom this Article applies; and*
 - (b) Article 10(1)(a) of the principal Order as it is in force immediately before the date on which this Order comes into force shall continue to apply to a person to whom this Article applies.*
- (3) In this Article “transitional period” means the period that commences on the date on which this Order comes into force and ends 3 months after that date.”*

⁹ Article 10(1)

amended by R&O.11/2005

¹⁰ Article 16(6)

amended by R&O.16/2003

¹¹

chapter 12.200