

PROJET DE LOI

ENTITLED

The Nursing and Residential Homes (Registration and Occupation) (Alderney) Law, 1987 *

[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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* Ordres en Conseil Vol. XXX, p. 371; as amended by the Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306); the Building and Development Control (Alderney) Law, 2002 (No. XII of 2003); the Nursing and Residential Homes (Registration and Occupation) (Alderney) (Amendment) Law, 2003 (No. XX of 2003); the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Alderney Ordinance No. II of 1997); 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). See also the Bills of Exchange (Guernsey) Law, 1958 (Ordres en Conseil Vol. XVII, p. 384); the Fees (Alderney) Ordinance, 1990 (Alderney Ordinance No. V of 1990).

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PROJET DE LOI

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The Nursing and Residential Homes (Registration and Occupation) (Alderney) Law, 1987

THE STATES, in pursuance of their Resolutions of the 13th day of December 1985 and the 5th day of November 1986, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Alderney.

PART I

REGISTRATION OF NURSING AND RESIDENTIAL HOMES

Registration of homes.

1. (1) Subject to section 6, a person shall not carry on a nursing home or a residential home without being registered under this section in respect thereof.

(2) An application for registration under this section shall –

- (a) be made to the States [General Services] Committee in writing, in such form and containing such particulars as the Committee may, from time to time, determine, and
- (b) be accompanied by such fee as the States may, from time to time, by Ordinance prescribe.

(3) Upon receipt of an application under subsection (2) the Committee shall register the applicant in respect of the home named in the application

and issue to him a certificate of registration:

Provided that the Committee may refuse to register the applicant if it is satisfied –

- (a) that he or any person employed or proposed to be employed by him at the home or in the management of the home, or any part thereof, is not a fit person, whether by reason of age or otherwise, to carry on or to be so employed at a home of such a description as the home named in the application, or
- (b) that for reasons connected with situation, construction, state of repair, means of escape from fire, accommodation, staffing or equipment, the home or any premises used in connection therewith are not fit to be used for a home of such a description, or
- (c) in the case of a nursing home, that the home or premises are used or proposed to be used for purposes which are in any way improper or undesirable in the case of a nursing home, or
- (d) in the case of a nursing home not being a maternity home, that the home is not, or will not be, under the charge of a person who is either an authorised medical practitioner or an authorised nurse and is or will be resident in the home, or that there is not, or will not be, a proper proportion of authorised nurses among the persons having the superintendence of, or employed in the nursing of the patients in, the home, or

- (e) in the case of a maternity home, that the person who has, or will have, the superintendence of the nursing of the patients in the home is not either an authorised nurse or an authorised midwife, or that any person employed, or proposed to be employed, in attending any woman in the home in childbirth or in nursing any person in the home is not either an authorised medical practitioner, an authorised midwife, a student midwife or an authorised nurse, or
- (f) in the case of a residential home, that the way in which it is proposed to conduct the home is such as not to provide services or facilities reasonably required by persons resorting to a residential home.

(4) The certificate of registration issued in respect of a home shall be kept affixed in a conspicuous place in the home.

(5) The Committee shall cause to be compiled and kept up to date a register of homes for the purposes of this Law and that register shall be available for inspection by the public at the States Office on any weekday, other than a Saturday or a Bank Holiday, during such hours as the Committee may, from time to time, determine.

NOTES

In section 1, the words in square brackets in subsection (2) were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part I, paragraph 13, with effect from 2nd April, 1997.

The following Ordinances have been made under section 1:

Nursing Homes Ordinance, 1988;

*Residential Homes Ordinance, 1988;
Fees (Alderney) Ordinance, 2018.*

In accordance with the provisions of the Fees (Alderney) Ordinance, 2018, section 4, Schedule 2, with effect from 1st January, 2019, the fees payable hereunder are as set out therein.

In accordance with the provisions of the Bills of Exchange (Guernsey) Law, 1958, section 1B, the reference in this section to a bank holiday shall be construed as a reference to a public holiday within the meaning of section 1(1) of the 1958 Law, with effect from 27 July, 1993.

Cancellation of registration.

2. Subject to section 3, the Committee may at any time cancel the registration of a person in respect of a home –

- (a) on any ground which would have entitled it to refuse an application for the registration of that person in respect of that home, or
- (b) if that person has been convicted of an offence against this Law or against any Ordinance made under this Law, or if any other person has been convicted of such an offence in respect of that home.

Procedure where registration refused or cancelled.

3. (1) Before refusing an application for registration under section 1 or cancelling a registration under section 2 the Committee shall –

- (a) serve notice on the applicant or, as the case may be, the person registered, inviting that person to make within 14 days (himself or by a representative) written or oral representations as to why the Committee should not refuse the application or cancel the registration, and

- (b) consider any representations made in response to a notice served under paragraph (a) of this subsection.

(2) If the Committee, after considering any representations made in response to a notice served under subsection (1), decides to refuse an application for registration, or to cancel a registration, it shall record that decision in writing and serve notice upon the applicant or person registered, as the case may be, stating –

- (a) the fact of, and the reasons for, the decision, and
- (b) the time within which he may appeal to the Court under section 4 of this Law.

Appeals under Part I.

4. (1) A person aggrieved by a decision of the Committee such as is mentioned in section 3 may appeal therefrom to the Court.

(2) An appeal under this section shall be instituted –

- (a) within 21 days of the date of service of the notice under section 3(2), and
- (b) by a summons served on the Chairman of the Committee, setting out the grounds and the material facts upon which the appellant relies.

(3) If on appeal under this section the Court varies or reverses any decision of the Committee, the Committee shall give effect to the order of the Court and, in particular, shall grant any necessary certificate and make any necessary entry in the register.

- (4) A decision of the Court under this section shall be final.

Exemptions from Part I.

5. (1) This Part of this Law does not apply to a home managed by or on behalf of a Committee of the States or of the States of Guernsey.

(2) This Part of this Law does not apply to an existing home until the expiration of the period of six months after it comes into force.

Death or incapacity of person registered.

6. If a person registered in respect of a home dies or is certified by an authorised medical practitioner as incapable of personally carrying on the home, the Committee may, on the application of that person's legal personal representative or duly authorised representative, as the case may be, register that representative in respect of the home for such period as may be necessary to enable application to be made under section 1 for the registration of a person in respect of the home.

Inspection of homes.

7. The Assistant Medical Officer of Health, or any other person authorised in writing in that behalf by the Committee, may, subject to such conditions as may be determined by the Committee, at all reasonable times enter and inspect any premises which are used, or which that person has reasonable cause to believe to be used, for the purposes of a home, may inspect any records required to be kept in accordance with this Law and may make such examination and inquiry as may be necessary to ascertain whether the requirements of this Law and of any Ordinance made under this Law are being complied with:

Provided that nothing in this Law shall be deemed to authorise a person other than a medical practitioner to inspect any medical record relating to a patient in a home.

Ordinances and orders.

8. (1) Subject to the provisions of this Law, the States may by Ordinance make provision as to the conduct of homes.

(2) Without prejudice to the generality of subsection (1), an Ordinance under this section may –

- (a) make provision as to the facilities and services to be provided in nursing homes and residential homes,
- (b) empower the Committee to limit the number of persons, or persons of any description, who may be received into a home, and to register a home subject to the condition that persons shall not be received into the home in excess of the number so limited,
- (c) provide for the keeping of records relating to homes and the notification of events occurring in homes,
- (d) empower the Committee to make such orders as may be necessary or expedient for the effectual operation of any such Ordinance,
- (e) make such incidental or supplementary provision as the States consider necessary or expedient for the purposes of any such Ordinance.

(3) Any power conferred by or under this Law to make any Ordinance or order includes a power exercisable in the like manner to vary or repeal the Ordinance or order.

NOTE

The following Ordinances have been made under section 8:

*Nursing Homes Ordinance, 1988;
Residential Homes Ordinance, 1988;
Fees (Alderney) Ordinance, 2018.*

PART II
CONTROL OF OCCUPATION OF HOMES

Requirement for licence.

9. Subject to section 16, a person shall not occupy a nursing home as a patient, or a residential home as a resident, otherwise than under and in accordance with a licence.

Application for licence.

10. Any application for a licence shall be made to the Committee, in writing, in such form and containing such information as the Committee may from time to time require; and an applicant for a licence shall furnish the Committee with such further information as the Committee may, in his particular case, require.

Grant or refusal of licence.

11. (1) Upon receipt of an application for a licence and any further information required by the Committee under section 10, the Committee may –

- (a) grant a licence to the applicant to occupy the home to which the application relates, either unconditionally or subject to conditions, or
- (b) refuse to grant a licence to the applicant to occupy the home to which the application relates.

(2) A licence may be granted subject to such conditions as the Committee considers appropriate, including, without prejudice to the generality of the foregoing, a condition limiting the period during which the licence is to remain in force.

(3) In deciding whether or not to grant a licence, either unconditionally or subject to conditions, the Committee shall consult, and have regard to the views of, the States Finance Committee, and may take into account any factor which appears to the Committee to be appropriate to take into account.

(4) Without prejudice to the generality of subsection (3), the factors which the Committee may take into account under that subsection include –

- (a) the age, health and financial means of the applicant,
- (b) the suitability of the home to which the application relates to cater for the present and likely future requirements of the applicant,
- (c) the effect, if any, which occupation by the applicant of the home to which the application relates may have on the economic interests of Alderney.

Licences to be personal.

12. A licence shall be personal to its holder and shall not be assignable.

Reason for refusal of unconditional licence.

13. The Committee shall, as soon as practicable after deciding to refuse to grant a licence or deciding to grant a licence subject to any conditions, record that decision in writing and serve notice on the applicant for the licence stating –

- (a) the fact of, and the reasons for, that refusal or those conditions, as the case may be, and
- (b) the time within which he may appeal to the Court under section 15 of this Law.

Withdrawal of licence.

14. (1) Subject to subsection (2), the Committee may, by notice served on the holder of a licence, withdraw that licence if it appears to the Committee that –

- (a) its holder has breached any condition subject to which it was granted, or
- (b) there has been any material change in any of the factors mentioned in paragraph (a), (b) or (c) of section 11(4) which the Committee could not reasonably have been expected to foresee as being likely to occur when the licence was granted.

(2) In deciding whether to withdraw a licence the Committee shall consult, and have regard to the views of, the States Finance Committee.

(3) Before withdrawing a licence under this section the Committee shall –

- (a) serve on its holder notice inviting him to make within 14 days (himself or by a representative) written or oral representations as to why the Committee should not withdraw the licence, and
- (b) consider any representations made in response to a

notice served under paragraph (a) of this subsection.

(4) If the Committee, after considering any representations made in response to a notice served under subsection (3), decides to withdraw a licence, it shall record that decision in writing and serve notice on the holder of the licence stating –

- (a) the fact of, and the reasons for, the decision, and
- (b) the time within which he may appeal to the Court under section 15 of this Law.

Appeals under Part II.

15. (1) A person aggrieved by a decision of the Committee –

- (a) to refuse to grant a licence, or
- (b) to grant a licence subject to any condition, or
- (c) to withdraw a licence,

may appeal therefrom to the Court.

(2) An appeal under this section shall be instituted –

- (a) within 21 days of the date of service of the notice under section 13 or section 14(4), as the case may be, and
- (b) by a summons served on the Chairman of the Committee, setting out the grounds and the material facts on which the appellant relies.

(3) If an appeal is instituted in accordance with subsection (2) against a decision to withdraw a licence, that decision shall not be of any effect until the appeal is finally determined or withdrawn; and for the purposes of this subsection an appeal shall be deemed not to have been finally determined until the expiration of the time allowed for the institution of any appeal under section 2 of the Court of Alderney (Appeals) Law, 1969^a or until the determination by the Royal Court of any appeal instituted within that time, whichever is the later.

Exemption from Part II.

16. This Part of this Law does not apply to the occupation of a home by any person who –

- (a) was occupying a dwelling in Alderney on 28th November, 1985, or
- (b) is occupying that home on the date when this Law comes into force and continues to occupy that home in the same circumstances[, or
- (c) is an individual to whom any sum is payable under the provisions of the Long-term Care Insurance (Guernsey) Law, 2002 in respect of benefit within the meaning of that Law (provided that this paragraph applies only to the individual in respect of whom the entitlement to benefit has arisen].

NOTE

^a Ordres en Conseil Vol. XXII, p. 192.

In section 16, paragraph (c) was inserted by the Nursing and Residential Homes (Registration and Occupation) (Alderney) (Amendment) Law, 2003, section 1, with effect from 11th August, 2003.

PART III
GENERAL AND SUPPLEMENTARY

Offences and penalties.

17. (1) If any person –

- (a) carries on a home in contravention of section 1, or
- (b) receives into a home persons, or persons of any description, in excess of the number limited by the Committee in respect of that home pursuant to any Ordinance such as is mentioned in section 8(2)(b), or
- (c) occupies, or permits another person to occupy, a home in contravention of section 9,

he shall be guilty of an offence and liable –

- (i) on summary conviction, 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, or
- (ii) on conviction on indictment before the Royal Court, to imprisonment for a term not exceeding two years or to a fine or to both.

(2) If any person, in connection with an application for the registration of a home, or for a licence, furnishes information or makes a statement which he knows to be false or misleading in a material particular or recklessly furnishes information or makes a statement which is false in a material particular he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 4 on the Alderney uniform scale].

(3) If any person –

- (a) knowingly fails to produce or furnish any information which he is required to produce or furnish under this Law or any Ordinance or order made under this Law, or
- (b) knowingly obstructs a person acting pursuant to a power conferred by or under section 7,

he shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale].

(4) If the certificate of registration issued in respect of a home is not kept affixed in a conspicuous place in that home the person carrying on the home shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the Alderney uniform scale] and to a further fine not exceeding £10 for each day on which the offence continues after conviction therefor.

(5) If any person contravenes, attempts to contravene, or fails to comply with, an Ordinance made under section 8, or an order made or direction given under such an Ordinance, he shall, unless the Ordinance otherwise provides, be guilty of an offence and liable, on conviction, to a penalty not exceeding such fine or such term of imprisonment as may be specified in respect of that offence by that Ordinance.

NOTE

In section 17, the words and figures in square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

Offences by bodies corporate.

18. (1) Where an offence under this Law committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and liable to be proceeded against and punished accordingly.

(2) For the purposes of subsection (1), a person shall be deemed to be a director of a body corporate if he is a person in accordance with whose directions or instructions the directors of the body corporate or any of them act.

Form and service of notices etc.

19. (1) Any notice, certificate or other document authorised or required to be served or issued for the purposes of this Law shall be in writing and in such form as the Committee may, from time to time, resolve.

(2) A notice to be served under this Law shall, without prejudice to any other lawful method of service, be validly served –

- (a) on any person if delivered to him, left, or sent by registered post or by recorded delivery service to him, at his usual or last known place of abode,
- (b) on a firm, if delivered to any partner of the firm, or left

at, or sent by registered post or by recorded delivery service to, the principal or last known principal place of business of the firm,

- (c) on a body corporate, if left at or sent by registered post or by recorded delivery service to, its registered office if situate in Alderney or, if its registered office is not so situate, its principal or last known principal place of business in Alderney.

Development of nursing and residential homes.

20. It is hereby declared –

- (a) that a Resolution of the States under section 14(1) of the Law of 1975 does not apply to the construction of a nursing home or a residential home, and
- (b) that for the purposes of the definition of "**development**" in section 34(1) of the Law of 1975 the use as a private dwelling of any building previously used as a nursing home or as a residential homes constitutes a material change in the use of that building.

NOTE

The Building and Development Control (Alderney) Law, 1975 ("the Law of 1975") has since been repealed by the Building and Development Control (Alderney) Law, 2002, section 77(1), Schedule, paragraph 1, with effect from 1st August, 2003, subject to the savings in section 77(2) of the 2002 Law.

Interpretation.

21. (1) In this Law, unless the context otherwise requires –

"Assistant Medical Officer of Health" means the person for the time being appointed by the States of Guernsey [Committee for Health & Social Care] to act as the Assistant Medical Officer of Health in Alderney,

"authorised medical practitioner" means a person practising in Alderney as a medical practitioner approved by the Committee for the purposes of this Law,

"authorised midwife" means a person entitled to practise in Alderney as a midwife according to the law for the time being in force,

"authorised nurse" means a person entitled to practice in Alderney as a nurse according to the law for the time being in force,

"the Committee" means the States [General Services] Committee,

"the Court" means the Court of Alderney,

"home" means a nursing home or a residential home,

"the Law of 1975" means the Building and Development Control (Alderney) Law, 1975^[a],

"maternity home" means any premises used or intended to be used for the reception of pregnant women, or of women immediately after child-birth,

^a Ordres en Conseil Vol. XXV, p. 8; Vol. XXVI, p. 560; Nos. II and III of 1985; No. III of 1987.

"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 in Part I (but not in Part II) includes a maternity home, but does not include any hospital maintained in whole or in part by the States or the States of Guernsey,

"patient", in relation to a nursing home, means a person who is sick, insured or infirm and who occupies the home wholly or mainly so as to benefit from the nursing provided at the home,

"the register" means the register of homes compiled under section 1(5), and **"registered"** and **"registration"** shall be construed accordingly,

"resident", in relation to a residential home, means a person who –

- (a) is blind, deaf or dumb, or is substantially and permanently handicapped by illness, injury or congenital deformity, or is aged, and
- (b) occupies the home wholly or mainly so as to benefit from the services or facilities provided by the home for such persons,

"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 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 maintained in whole or [] by the States or the States of Guernsey, or

(ii) any nursing home,

"Royal Court", except in section 17, means the Royal Court of Guernsey sitting as an Ordinary Court; and in section 17 **"Royal Court"** means the Royal Court of Guernsey sitting as a Full Court,

"the States" means the States of Alderney,

"student midwife" means a person who is undergoing training with a view to becoming registered as qualified to practice as a midwife in the United Kingdom, and for that purpose attending women in childbirth, as part of a course of practical instruction in midwifery recognised by the National Board for Nursing, Midwifery and Health Visiting for England, for Wales, for Scotland or for Northern Ireland, constituted under section 5 of the Nurses, Midwives and Health Visitors Act 1979.

(2) Unless the context otherwise requires –

(a) a reference in this Law to a numbered Part or section is a reference to the Part or section so numbered in this Law,

- (b) a reference in any provision of this Law to a numbered subsection is a reference to the subsection so numbered in that provision,
- (c) a reference in this Law to another enactment is a reference to that enactment as from time to time amended, repealed and replaced, extended or applied by or under any other enactment.

(3) The Interpretation (Guernsey) Law, 1948^[a] applies to the interpretation of this Law as it applies to the interpretation of an enactment in force in the Island of Guernsey.

NOTES

In section 21,

the words in square brackets in the definition of the expression "Assistant Medical Officer of Health" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 5, with effect from 1st May, 2016;¹

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 I, paragraph 13, with effect from 2nd April, 1997.

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 Law 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.²

The functions of the Health and Welfare Committee under this Law were transferred to the General Services Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2,

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

Part I, paragraph 13, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.

The Building and Development Control (Alderney) Law, 1975 has since been repealed by the Building and Development Control (Alderney) Law, 2002, section 77(1), Schedule, paragraph 1, with effect from 1st August, 2003, subject to the savings in section 77(2) of the 2002 Law.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

In the printed version of this section:

the first and second footnotes lettered "a" and "a" should read "b" and "c";

in the square brackets in sub-paragraph (i) of the definition of the expression "residential home" in subsection (1) the words shown, incorrectly, as omitted in the printed version of this section should read "in part".

Amendments and repeals.

22. (1) The enactments specified in Schedule 1 to this Law are amended, as set out in that Schedule.

(2) The enactments specified in the left hand column of Schedule 2 to this Law are repealed to the extent specified in the right hand column of that Schedule.

Citation.

23. This Law may be cited as the Nursing and Residential Homes (Registration and Occupation) (Alderney) Law, 1987.

Commencement.

24. This Law shall come into force on such day as the States of Alderney may by Ordinance appoint, and different days may be so appointed for different provisions of this Law and for different purposes.

NOTE

The Law was brought into force on 6th April, 1988 by the Nursing and Residential Homes (Registration and Occupation) (Alderney) Law, 1987 (Commencement) Ordinance, 1988, section 1.

SCHEDULE 1
ENACTMENTS AMENDED

Section 22(1)

1. In section 2(2)(c) of the Tourist (Alderney) Law, 1956, as amended^a, for "or of persons under their care as patients of such persons" there is substituted "; or persons accommodated as patients in a nursing home or as residents in a residential home within the meaning of the Nursing and Residential Homes (Registration and Occupation) (Alderney) Law, 1987".

2. ...

3. ...

NOTE

In Schedule 1, paragraph 2 and paragraph 3 amended the Building and Development Control (Alderney) Law, 1975, which Law has since been repealed by the Building and Development Control (Alderney) Law, 2002, section 77(1), Schedule, paragraph 1, with effect from 1st August, 2003, subject to the savings in section 77(2) of the 2002 Law.

^a Ordres en Conseil Vol. XVII, p. 29; Vol. XXII, p. 6; Vol. XXVI, p. 251; section 2(2)(c) was substituted by the Tourist (Amendment) (Alderney) Law, 1978 (Vol. XXII, p. 6).

SCHEDULE 2
CONSEQUENTIAL REPEALS

Section 22(2)

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NOTE

Schedule 2 was repealed by the Building and Development Control (Alderney) Law, 2002, section 77(1), Schedule, paragraph 6(b), with effect from 1st August, 2003.

¹ These words 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.

² The functions, rights and liabilities of the Health and Social Services Department and its Minister arising under or by virtue of this Law 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.