

1980/67



## THE OLD PEOPLE'S HOMES REGULATIONS 1980

KEITH HOLYOAKE, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 31st day of March 1980

Present:

THE RIGHT HON. B. E. TALBOYS PRESIDING IN COUNCIL

PURSUANT to section 120A of the Health Act 1956 (as inserted by section 2 of the Health Amendment Act 1958 and amended by section 7 of the Health Amendment Act 1973 and section 6 of the Health Amendment Act 1979), His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Old People's Homes Regulations 1980.

(2) These regulations shall come into force on the 4th day of April 1980.

**2. Interpretation**—(1) In these regulations, unless the context otherwise requires,—

“The Act” means the Health Act 1956:

“Adequate” means adequate in the opinion of the Medical Officer of Health:

“Approved” means approved by the Medical Officer of Health:

“Director-General” means the person for the time being holding the office of Director-General of Health under the Act; and includes any person to whom subclause (2) of this regulation for the time being applies:

“Existing home” means—

(a) Premises that, immediately before the commencement of these regulations, were licensed as a home under the Old People's Homes Regulations 1965, including premises in respect of which a temporary licence was then in force under those regulations:

(b) Premises that, immediately before the commencement of these regulations, were a home within the meaning of section 120A (3) of the Act (as amended by section 7 (2) of the Health Amendment Act 1973 and section 6 (2) of the Health Amendment Act 1979) but were not then licensed under the Old People's Homes Regulations 1965 because not more than 5 old people were accommodated in the premises:

“Habitable room” means any room that is used or intended to be used, or, in the opinion of the Director-General, is capable of being used, as a living room, sitting room, recreation room, dining room, bedroom, or kitchen:

“Home” means any premises where 3 or more persons who have attained the age of 65 years and are not related by blood or marriage to the householder (whether or not they are in any way infirm) are or are to be in residence and paying for their lodging and for 1 or more meals a day, being any premises that are or purport to be mainly for aged or infirm persons, and not being a licensed private hospital, an institution under the control of the Department of Health or of a Hospital Board, or a hospital within the meaning of the Mental Health Act 1969:

“Licence” means a licence granted under these regulations in respect of a home; and “licensed premises” and “licensee have corresponding meanings:

“Manager”, in relation to a home, means the person who is responsible for the administration of the home:

“Old people”, in relation to a home, means those persons who are residing in the home and who have attained the age of 65 years and are not related by blood or marriage to the householder (whether or not they are in any way infirm), and who are paying for their lodging and 1 or more meals a day:

“Residents”, in relation to a home, means all old people, except staff, residing in the home.

(2) Any power conferred on the Director-General by these regulations may be exercised by any officer of the Department of Health nominated by the Director-General for the purpose, subject to the general control of the Director-General.

**3. Application to existing homes**—(1) Nothing in these regulations shall apply to any existing home before the 1st day of April 1981, except that an application for a licence in respect of any such home may be made and dealt with in accordance with these regulations before that date.

(2) Except as provided in subclause (3) of this regulation, nothing in Part I of these regulations shall apply to any existing home before the 1st day of April 1985. From that date, the licensee shall not be liable for any non-compliance with regulation 11 (1) (a) of these regulations if the Director-General is satisfied that the existing home complies with Part I of these regulations in all other respects.

(3) Where the licence issued under these regulations in respect of any existing home is transferred by the person who, immediately before the commencement of these regulations, was the licensee of the home to any other person before the 1st day of April 1984, Part I of these regulations shall apply to that home from the expiry of the period of 1 year commencing with the date of the transfer.

(4) Notwithstanding the revocation, by regulation 46 of these regulations, of the Old People's Homes Regulations 1965,—

(a) Those regulations shall continue to apply to every existing home to which they applied immediately before the commencement of these regulations until the 1st day of April 1981:

(b) Those regulations, so far as they relate to standards of fitness and overcrowding, shall apply and continue to apply to every existing home while, by virtue of subclauses (2) and (3) of this regulation, Part I of these regulations do not apply to that home.

**4. Homes to be licensed**—(1) No occupier, and no person concerned with the management, of any premises shall use the premises or permit the premises to be used as a home, except under the authority, and in accordance with the terms, of a licence issued by the Director-General in the form in the First Schedule to these regulations.

(2) Every occupier, and every person concerned with the management, of any premises who contravenes subclause (1) of this regulation commits an offence against these regulations.

## PART I

### MINIMUM STANDARDS OF ACCOMMODATION

**5. Accommodation**—Every home shall be provided with at least the following accommodation conforming with the provisions of this Part of these regulations:

- (a) A living room or sitting room and a dining room, or a combined living room and dining room:
- (b) A kitchen:
- (c) Bedrooms:
- (d) A bathroom:
- (e) Water-closet pans:
- (f) Handwashing facilities:
- (g) A laundry.

**6. Heating**—Every living or sitting room, dining room, recreational room, and bedroom shall be fitted with a safe and approved form of heating.

**7. Kitchens**—(1) Every kitchen shall have a minimum width of 1.5 metres, and a minimum floor area as prescribed in the Second Schedule to these regulations.

- (2) Every kitchen shall contain—
  - (a) An approved sink with an adequate supply of hot and cold water:
  - (b) Adequate means of preparing and cooking food, both by boiling and by baking it:
  - (c) Adequate food storage facilities to keep food clean, and free from contamination, damp, foul odours, and (as far as practicable) vermin, insects, and dirt:
  - (d) Adequate refrigeration:
  - (e) Adequate means of cleaning utensils used in the consumption of food, which, except where the home has less than 5 residents, shall include a dishwashing machine or steriliser sink:
  - (f) A washhand basin in, or conveniently accessible to, the kitchen.

**8. Living rooms or sitting rooms**—(1) Every living room or sitting room shall have a minimum width of 2.75 metres, and a minimum floor area of 10.0 square metres, plus 0.9 square metres for every resident exceeding 3.

(2) For the purposes of subclause (1) of this regulation, where there are 2 or more living rooms or sitting rooms, their respective floor areas may be aggregated if the width of each room is at least 2.75 metres.

**9. Dining rooms**—(1) Every dining room shall have a minimum width of 2.75 metres, and a minimum floor area of 8.0 square metres, plus 0.9 square metres for every resident exceeding 3.

(2) For the purposes of subclause (1) of this regulation, where there are 2 or more dining rooms, their respective floor areas may be aggregated if the width of each room is at least 2.75 metres.

**10. Combined living and dining rooms—**(1) Every combined living and dining room shall have a minimum width of 2.75 metres, and a minimum floor area of 16.2 square metres, plus 0.9 square metres for every resident exceeding 3.

(2) For the purposes of subclause (1) of this regulation, where there are 2 or more combined living and dining rooms, their respective floor areas may be aggregated if the width of each room is at least 2.75 metres.

**11. Bedrooms—**(1) Every bedroom shall have a minimum width of 2.2 metres, and a minimum floor area as follows:

(a) Where the room contains only 1 bed, 6.0 square metres:

(b) Where the room contains more than 1 bed, 5.6 square metres for each bed.

(2) For the purpose of computing the width or area of a bedroom, no regard shall be had to any part of the room the height of which from finished floor to finished ceiling is less than 1.8 metres.

(3) Bedroom accommodation shall be so arranged and equipped as to ensure privacy and, except in the case of husband and wife, the separation of male and female residents.

(4) No bedroom shall contain any cooking appliance.

**12. Bathrooms—**Every bathroom shall contain an approved bath or shower, so arranged as to ensure privacy, with an adequate supply of hot and cold water.

**13. Number of sanitary fittings to be provided—**(1) Every home shall contain 1 bath or shower for every 10 residents or part of that number.

(2) Every home shall contain 1 washhand basin, with an adequate supply of hot and cold water, for every 6 residents or part of that number.

(3) Every home shall contain water-closet pans as prescribed in the Third Schedule to these regulations.

(4) For the purposes of calculating the minimum number of fittings required by this regulation, only those in separate compartments and conveniently located and accessible shall be counted.

**14. Separate facilities for licensee and staff—**(1) Every home that has at least 5 residents shall contain—

(a) A separate bath or shower room for the exclusive use of the licensee or manager and his family, and members of staff who are residing on the premises; and

(b) Sufficient washhand basins and water-closet pans for the exclusive use of the licensee or manager and his family and full-time staff, so that the number of such persons to be served by the sanitary fixtures does not exceed the relevant number prescribed in respect of residents by regulation 13 of these regulations; and

(c) A bedroom or bed-sitting room for the exclusive use of the licensee or manager and his family, and members of staff who are residing on the premises.

(2) For the purposes of paragraph (b) of subclause (1) of this regulation, the number of full-time staff shall be determined as follows:

- (a) By dividing the aggregate number of hours worked in a week by all part-time staff by 40; and
  - (b) Adding the whole number nearest to the result of that division to the actual number of full-time staff.
- (3) Where the bedroom or bed-sitting room required by subclause (1) of this regulation is inadequate for changing and storage of staff clothing, another area sufficient for those purposes shall be provided.
- (4) No licensee, manager, or member of the staff of any home that has at least 5 residents shall change or store his clothes in any room occupied by a resident.
- (5) In this regulation the terms "full-time staff" and "part-time staff" have the meanings respectively assigned to them by regulation 35 (1) of these regulations.

**15. Laundry**—(1) Every home shall have a separate laundry with adequate laundry equipment, and a piped supply of hot and cold water.

(2) Where arrangements are made for laundering to be undertaken by a commercial laundry, the facilities required in the home need only be adequate for the personal laundry of residents and staff.

**16. Habitable rooms**—(1) Every habitable room shall be of a height from finished floor to finished ceiling of not less than 2.4 metres.

(2) Where a habitable room has a sloping ceiling, it shall be of at least that height over at least one-half of its floor area; and in computing that area, no regard shall be had to any portion of the room the height of which from finished floor to finished ceiling is less than 1.8 metres.

(3) Every habitable room shall be provided with at least 1 window, so situated in an external wall or external walls that adequate light is admitted.

(4) The aggregate area of the glass of the windows of each habitable room shall be not less than one-tenth of the floor area of the room.

(5) The windows of every habitable room shall be so constructed that windows with an area amounting to not less than one-twentieth of the floor area of the room can be opened for the admission of fresh air.

**17. Staircases**—Every staircase shall be so constructed and maintained as to provide safe access from one floor level of the home to another, and shall be provided with an adequate handrail.

**18. Lighting and ventilation**—Every room, area, passageway, and stairway in a home shall be provided with adequate lighting and ventilation.

**19. Home to be in habitable condition, etc.**—Every home shall be, and shall at all times be maintained, in a clean, dry, damp-free, and habitable condition.

## PART II

### LICENCES

**20. Application for licence**—(1) Every application for a licence to keep a home shall—

- (a) Be made in writing and signed by the applicant; and

- (b) Contain the particulars prescribed in the Fourth Schedule to these regulations; and
  - (c) Be accompanied by the documents prescribed in the Fifth Schedule to these regulations; and
  - (d) Be made in triplicate, except that it shall suffice if 1 signed document is submitted with 2 duplicates; and
  - (e) Be lodged with the Medical Officer of Health, who shall transmit it to the Director-General.
- (2) A separate application shall be lodged in respect of each home.

**21. Grant or refusal of licence**—(1) Subject to subclause (2) of this regulation, on being satisfied that the application conforms with the requirements of regulation 20 of these regulations, and on receipt of the fee prescribed by regulation 24 of these regulations, the Director-General shall issue to the applicant a licence in the form set out in the First Schedule to these regulations.

(2) The Director-General may, after consultation with the Medical Officer of Health, refuse to issue or renew a licence if he is not satisfied that—

- (a) The home complies with the minimum standards prescribed by Part I of these regulations, unless the home is one to which that Part does not yet apply by virtue of regulation 3 of these regulations;
- (b) The home is staffed, or will be staffed within a reasonable time, in accordance with regulation 35 of these regulations;
- (c) The premises are adequate for the purposes indicated in the application;
- (d) The applicant is of good character, or the organisation on behalf of which the application is made is of good repute, and that he or it is fit to be the licensee of a home;
- (e) The person nominated in the application as the manager of the home is of good character, and fit to be the manager of the home.

(3) Where the Director-General refuses to issue or renew a licence, he shall, if requested to do so by the applicant, state in writing the reasons for his refusal.

**22. Particulars to be specified on licence**—(1) Every licence shall specify—

- (a) The maximum number of residents that may be accommodated in the home at any one time;
- (b) The name of the licensee;
- (c) The name of the home;
- (d) The address of the home;
- (e) The date when the licence was issued;
- (f) By reference to the application, or otherwise, the purposes for which the rooms in the home may be used, and the maximum number of residents that may be accommodated in each bedroom at any one time.

(2) The Director-General may from time to time, if he thinks fit, on application in writing signed by the licensee, vary the terms of the licence, either by way of endorsement on the licence or otherwise in writing, by altering, in such manner as he thinks fit,—

- (a) The maximum number of residents that may be maintained in the licensed home at any one time;

- (b) The purposes for which the rooms or any room or rooms in the licensed home may be used, or the maximum number of residents that may be accommodated in any bedroom at any one time.

**23. Duration and renewal of licences**—(1) Every licence shall, unless it is sooner renewed or revoked under these regulations, continue in force until the 30th day of June next following its date of issue, and shall then expire.

(2) Any licensee may, at any time before the 30th day of June in any year, apply for the renewal of his licence.

(3) Every such application shall be accompanied by—

- (a) The appropriate fee prescribed by regulation 24 of these regulations; and  
 (b) A current fire certificate issued by the local authority; and  
 (c) A statement of any changes that have occurred since the issue or last renewal of the licence relating to any matter for which provision is made in these regulations.

**24. Fees**—(1) Every application for a licence shall be accompanied by a fee of \$8.

(2) On the issue, and on the renewal, of a licence, the licensee shall pay a fee calculated as follows:

- (a) Where the maximum number of residents to be accommodated at any one time does not exceed 3 \$12.  
 (b) Where the maximum number of residents to be accommodated at any one time exceeds 3 \$4 for each resident, with a maximum of \$100.

(3) Notwithstanding anything in subclause (2) of this regulation, where a licence is issued after the 31st day of July in any year, the fee prescribed by that subclause in respect of the issue of a licence shall be reduced by one-twelfth for every complete month that has expired between the date of the grant of the licence and the 30th day of June preceding that date.

**25. Transfer of licence**—On an application in writing signed by the licensee of any home, and by any person to whom he desires to transfer the licence, the Director-General may, if he thinks fit, either by way of endorsement on the licence or otherwise in writing, transfer that licence to that person; and thereupon that person shall become the licensee of the home.

**26. Transfer or revocation of licence on death of licensee**—(1) If the licensee, or the sole surviving licensee, of a home dies, the Director-General may, if he thinks fit, either by way of endorsement on the licence or otherwise in writing, transfer the licence to a person nominated for the purpose by the executors or administrators of the deceased licensee; and thereupon that person shall become the licensee of the home.

(2) In the meantime, unless the licence is revoked under this regulation or under regulation 31 of these regulations, the home shall continue to be a licensed home under these regulations.

(3) If the licence is not transferred under the authority of this regulation within 3 months after the death of the licensee or of the sole



surviving licensee, the Director-General may, by notice under his hand published in the *Gazette*, revoke the licence without notice; and thereupon the home shall cease to be a licensed home.

**27. Substituted licences**—(1) Notwithstanding anything in the foregoing provisions of this Part of these regulations, the Director-General may, if he thinks fit, issue a new licence in substitution for an existing licence,—

- (a) To the person to whom the licence is being or has been transferred, in any case to which regulation 25 or regulation 26 of these regulations applies;
- (b) To the licensee, in any case where the licence has become disfigured or dilapidated, or it contains a mistake, or the Director-General is satisfied that the licence has been lost or destroyed.

**28. Termination of licence where licensee disposes of home**—Subject to regulations 25 to 27 of these regulations, every licence shall cease to have effect when the licensee ceases to be the owner or lessee of the home to which the licence relates.

**29. Structural alterations to licensed home**—(1) No licensee shall make or cause to be made any structural alterations or additions to the home until a sufficient plan and description of the proposed alteration or addition has been given to and approved by the Director-General.

(2) Every licensee who contravenes subclause (1) of this regulation commits an offence against these regulations.

**30. Director-General may require alterations**—(1) For the purposes of this regulation, premises or equipment may be deemed to be inadequate or unsuitable if they are inadequate or unsuitable by the standards for the time being required in respect of new homes, notwithstanding that they are in substantially the same as, or a better condition than, they were in when the licence was granted.

(2) If at any time, in the opinion of the Director-General, the premises or any of the equipment of a licensed home have or has become inadequate or unsuitable for the purposes of a home, he may, by notice in writing given to the licensee or the manager of the home, require the licensee, within such reasonable time as may be specified in the notice, to make such alterations to the premises or any part of the premises, or to install or replace such equipment, as may in the Director-General's opinion be necessary.

(3) If, within the time so specified, or within such further time as the Director-General may from time to time allow, the licensee fails to comply with the notice, the Director-General may, if he thinks fit, either—

- (a) Vary the terms of the licence, in accordance with regulation 22 (2) of these regulations, as if an application for variation had been made under that provision; or
- (b) Revoke the licence under regulation 31 (1) (f) of these regulations, and the provisions of that regulation shall apply accordingly.

(4) Before a licence is varied under subclause (3) (a) of this regulation, the Director-General shall give notice to the licensee of the ground on which it is proposed to vary the licence, and shall give the licensee a reasonable opportunity of showing cause why the licence should not be varied.

(5) Any such notice may be given to the licensee personally or by leaving it at the licensed home.

**31. Revocation of licence**—(1) The Director-General may at any time revoke any licence on any one or more of the following grounds:

- (a) That the licensee of the home has been convicted of an offence against section 120A (2A) of the Act or these regulations, or of any other offence punishable by imprisonment that the Director-General believes on reasonable grounds renders the licensee unfit to continue to hold a licence;
- (b) That the premises are no longer being used as a home;
- (c) That the home no longer conforms in all respects with the minimum standards prescribed in Part I of these regulations, unless the home is one to which that Part does not yet apply by virtue of regulation 3 of these regulations;
- (d) That, in the opinion of the appropriate local authority, the construction of the premises of the home, so far as that construction is relevant to fire risk, or the fire-fighting equipment available, or the means of escape provided, or the other precautions taken for avoiding danger from fire, extinguishing fire, and otherwise protecting residents from fire, no longer conform with the minimum standards applicable to homes;
- (e) That, in the opinion of the Director-General,—
  - (i) The standard of care available to residents in the home is unsatisfactory; or
  - (ii) Any resident has been ill-treated or neglected in a manner likely to cause unnecessary suffering or has been kept in an environment that is injurious to his mental or physical health; or
  - (iii) The premises of the home are unsafe for residents or are insanitary; or
  - (iv) The premises of the home are in such a condition, or the home is managed or conducted in such a manner, that the revocation of the licence is required in the interests of the residents or in the public interest;
- (f) That the requirements of any notice under regulation 30 of these regulations have not been complied with;
- (g) That the home is not staffed in accordance with regulation 35 of these regulations.

(2) Before a licence is revoked on any of the grounds specified in subclause (1) of this regulation, the Director-General shall give notice to the licensee of the ground or grounds on which it is proposed to revoke the licence, and shall give the licensee a reasonable opportunity of showing cause why the licence should not be revoked.

(3) Any such notice may be given to the licensee either personally or by leaving it at the licensed home; and any such revocation of a licence shall be effected by a notice under the hand of the Director-General and published in the *Gazette*.

**32. Surrender of licence**—(1) Subject to the provisions of this regulation, any licensee may at any time surrender his licence by notice in writing to that effect sent to the Director-General.

(2) The surrender shall take effect, and the home shall cease to be a licensed home, from the expiry of 1 month after the date of the receipt of the notice by the Director-General, or on such earlier date as may be approved by the Director-General.

(3) On or before the date on which the surrender takes effect, the licensee shall send the licence to the Director-General for cancellation.

(4) Every person who fails to comply with subclause (3) of this regulation commits an offence against these regulations.

**33. Temporary licence**—(1) The Director-General may at any time, on the application of the owner or lessee of a home (not being a licensed home), if in special circumstances he thinks it expedient to do so, grant a temporary licence in respect of that home for such period, not exceeding 1 year, as he thinks fit.

(2) The Director-General shall specify in the licence the period for which he has granted it.

(3) The Director-General may from time to time, either by way of endorsement on the licence or otherwise in writing, extend the currency of any temporary licence for such further period, not exceeding 1 year at any one time, as he thinks fit.

(4) Without limiting the Director-General's discretion under subclause (1) of this regulation, he may exercise the powers conferred on him by this regulation—

(a) In respect of any existing home:

(b) On the revocation of a licence pursuant to regulation 31 of these regulations on any ground other than one specified in paragraph (b) or paragraph (e) of subclause (1) of that regulation.

(5) Subject to subclauses (6) and (7) of this regulation, all the provisions of these regulations, except the provisions of Part I and of regulation 31 (1) (c) of these regulations, shall apply with respect to a temporary licence and with respect to the home to which that licence relates.

(6) The Director-General may at any time, either by endorsement on the licence or otherwise in writing, exempt a home to which a temporary licence relates, or the holder of such a licence, as the case may require, from any provision of these regulations in addition to the provisions referred to in subclause (5) of this regulation.

(7) On the issue of a temporary licence, and on every extension of the period of a temporary licence, the licensee shall pay a fee calculated in accordance with regulation 24 (2) of these regulations; but if the licence is issued, or the period of the licence is extended, for any period of less than 1 year, the fee payable shall abate proportionately.

**34. Manager**—(1) For every licensed home there shall at all times be a manager resident on the premises of the home, who may, subject to subclause (2) of this regulation, be either the licensee himself or some other person appointed and employed by the licensee.

(2) No licensee shall be the manager of more than one home.

(3) Notwithstanding anything in subclause (1) of this regulation, the manager of a home may, with the approval of the Director-General (who may revoke that approval at any time), reside within such distance from the home as the Director-General may approve in a particular case, if either an approved member of the staff of the home resides in the home or a member of the staff of the home is on duty in the home at all times.

(4) No person other than a licensee shall be appointed as the manager of a licensed home until the name of that person has been notified to the Director-General and he has approved the appointment.

(5) The Director-General may refuse to approve any person to be the manager of a home if he is not satisfied as to that person's character and fitness to be the manager of the home.

(6) During the temporary absence, illness, or incapacity of the manager of a home, or if, for the time being, there is no manager of a home, the licensee may, without notice to the Director-General, but subject to subclause (7) of this regulation, appoint any other person to act as manager of the home; and while that person is so acting, he shall be deemed for the purposes of these regulations to be the manager of the home.

(7) Except with the prior approval of the Director-General, no appointment of an acting manager shall subsist for a continuous period of more than 4 weeks.

(8) If at any time a home is used as such while there is no manager or acting manager of the home in accordance with this regulation, or while the manager or acting manager does not reside on the premises as required by subclause (1) of this regulation otherwise than in circumstances approved by the Director-General in accordance with subclause (3) of this regulation, the licensee of the home commits an offence against these regulations.

### PART III

#### DUTIES OF LICENSEE

**35. Staff**—(1) In this regulation,—

“Full-time staff”, in relation to a home, means every member of the staff of the home who is employed in the home for at least 40 hours in every week (whether paid or otherwise), and who is not a resident:

“Part-time staff”, in relation to a home, means every member of the staff of the home (whether paid or otherwise) who is not a member of the full-time staff, and who is not a resident.

(2) Subject to subclause (3) of this regulation, and except as may be permitted by the Director-General in any particular case, the minimum number of full-time staff (including the manager) to be employed in a home shall be as follows:

No. of Residents	No. of Staff Required
3– 5	1
6–10	2
11–15	3
16–20	4
21 or more	4, plus 1 additional staff member for every 5 additional residents or part of that number.

(3) Subclause (2) of this regulation shall be deemed to be satisfied if the aggregate number of hours worked by all the staff of the home, including part-time staff, amounts to at least the aggregate number of hours that would be required to be worked by full-time staff if this subclause had not been enacted.

**36. Obligations of licensee**—(1) Subject to regulation 33 of these regulations, every licensee of a home shall take all reasonable steps to ensure at all times—

- (a) That the home conforms with the standards prescribed in Part I of these regulations, unless the home is one to which that Part does not yet apply by virtue of regulation 3 of these regulations;
- (b) That the home is staffed in accordance with regulation 35 of these regulations;
- (c) That the home, and the furniture, fittings, and appliances in the home, are kept clean and in a state of good repair;
- (d) That adequate and nutritious meals are provided for residents at reasonable times of the day;
- (e) That medicines intended for use by residents, and not held by the resident for whom they are prescribed, are kept in a locked cupboard under the control of the manager;
- (f) That prescribed medicines that are no longer required by, or are left in the home after the death or departure of, the resident for whom they are prescribed are destroyed or otherwise disposed of according to law;
- (g) That suitable and sufficient provision is made for the storage and disposal of refuse;
- (h) That adequate provision is made for the storage of household linen, blankets, cleaning materials, and residents' baggage.

(2) Every licensee who contravenes or fails to comply with any provision of subclause (1) of this regulation commits an offence against these regulations.

**37. Register of residents**—(1) Every licensee shall keep or cause to be kept a register of residents, in a form approved by the Director-General, in which shall be entered the following particulars:

- (a) The name, age, sex, and previous place of residence of each resident, the date on which he takes up residence in the home, and the number of the room allocated to him;
- (b) The name and address of the medical practitioner usually consulted by each resident, and, where appropriate, the resident's social security number;
- (c) The name, address, and telephone number (if any) of each resident's next-of-kin or of any other person to be notified in an emergency;
- (d) The date on which each resident leaves the home, and his future address, if it is available.

(2) The particulars required to be entered in the register shall be entered as soon as practicable after the act or event to which the entry relates.

(3) Every licensee shall keep every such register for a period of not less than 3 years from the date of the last entry in that register.

(4) Every such register shall be open to inspection at all times by the Medical Officer of Health, or any officer authorised by him, who may make such copies of any entry as he thinks fit.

(5) Every person commits an offence against these regulations who makes any entry in the register of residents knowing that the entry is false in any particular.

(6) Every licensee who contravenes or fails to comply with any provision of this regulation commits an offence against these regulations.

**38. Register of staff**—(1) Every licensee shall keep or cause to be kept a register of staff, in a form approved by the Director-General, in which shall be entered the following particulars:

- (a) The name, address, and age of each staff member:
- (b) The days and hours worked by each staff member:
- (c) The designation or description of the position occupied by each staff member:
- (d) In respect of staff members who are residing in the home, the bedroom occupied by each such staff member, identified by reference to the plans submitted in accordance with regulation 20 of these regulations.

(2) Subclauses (2) to (6) of regulation 37 of these regulations, with any necessary modifications, shall apply to registers kept under this regulation.

**39. Display of licence**—(1) Every licensee shall cause his current licence to be permanently exhibited in some conspicuous place where it can readily be seen by all persons having access to the premises to which the licence relates.

(2) Every licensee who contravenes or fails to comply with sub-clause (1) of this regulation commits an offence against these regulations.

## PART IV

### MISCELLANEOUS PROVISIONS

**40. Application of regulations to organisations**—For the purposes of these regulations, if the licensee or applicant for a licence is an organisation—

- (a) Any document signed by a duly appointed officer of the organisation on behalf of the organisation shall be deemed to be signed by the licensee:
- (b) Words in these regulations referring to the death of the licensee shall be construed as referring to the dissolution of the organisation:
- (c) The expression “executors or administrators” in these regulations shall be construed to mean the liquidators or other persons responsible for winding up the organisation:
- (d) The neuter pronoun shall be deemed to be substituted for the masculine pronoun wherever a masculine pronoun appears.

**41. Inspection**—For the purposes of these regulations, the Director-General, the Medical Officer of Health, or any other person authorised in writing for the purpose by the Director-General or the Medical Officer of Health, may at any time during the hours of daylight, and at any other time if he suspects on reasonable grounds that these regulations are not being complied with in the home, enter and inspect any home, or any premises reasonably believed to be a home, and may question any person found in the home or premises in respect of matters relevant to these regulations.

**42. Appeals**—(1) Any person—

- (a) To whom any decision or requirement of the Director-General under these regulations applies, and who objects to the decision or requirement; or
  - (b) Who is aggrieved by any decision of the Medical Officer of Health or the Director-General to the effect that any matter or thing is not adequate or approved, as the case may require,—
- may, within 14 days after receiving notice of the decision or requirement, apply to a District Court to have his objection heard and determined.

(2) In hearing and determining the application, the Court shall have all the powers vested in it in its civil jurisdiction.

(3) On hearing the application, the Court may make such order as it thinks fit, and every such order shall be final and binding on all the parties.

**43. Miscellaneous offences**—(1) Every person commits an offence against these regulations who, for the purpose of procuring, whether for himself or any other person, the grant of any licence under these regulations, or for any other purposes in relation to these regulations,—

- (a) Makes any declaration or statement that he knows is false in any particular; or
- (b) Utters, produces, or makes use of any such declaration or statement or any document knowing that it contains such a declaration or statement; or
- (c) Utters, produces, or makes use of any document that he knows is not genuine.

(2) Every person who wilfully obstructs, hinders, or resists any person in the execution of any powers conferred on him by or pursuant to these regulations commits an offence against these regulations.

**44. General penalty**—Every person who commits an offence against these regulations is liable on summary conviction to a fine not exceeding \$100 and, if the offence is a continuing one, to a further fine not exceeding \$10 for every day on which the offence has continued.

**45. Saving**—Nothing in these regulations shall affect or derogate from the Housing Improvement Regulations 1947\* or the Drainage and Plumbing Regulations 1978†, except that, in the event of any conflict between a provision of any such regulations and a provision of these regulations, the provision of these regulations shall prevail.

**46. Revocation**—The Old People's Homes Regulations 1965‡ are hereby consequentially revoked.

\*S.R. 1947/200

†S.R. 1978/127

‡S.R. 1965/162

SCHEDULES

FIRST SCHEDULE

Regs. 4 (1), 21 (1)

LICENCE FOR AN OLD PEOPLE'S HOME

[Address or description of premises]

is hereby licensed as a home under the Old People's Homes Regulations 1980.

1. The maximum number of residents that may be accommodated in this home at any one time is.....

2. Name of Licensee:.....

3. The rooms in this home may be used only for the purposes specified in the application dated....., subject to the modifications set out below.

4. The maximum number of residents that may be accommodated in each bedroom at any one time is the number shown in respect of each bedroom in the application dated....., subject to the modifications set out below.

\*5. The period for which the licence is granted is.....

Dated this.....day of..... 19.....

(for) Director-General

\*Delete this paragraph if the licence is not a temporary one.

SECOND SCHEDULE

Reg. 7 (1)

MINIMUM KITCHEN AREAS TO BE PROVIDED IN OLD PEOPLE'S HOMES

Number of residents	Floor areas*
Not exceeding 11	7.0 square metres.
12 to 30	7.0 square metres, plus 0.6 square metres for every resident exceeding 11.
31 and over	To be approved by the Medical Officer of Health.

A minimum of 3.0 square metres shall be allowed for free work space for each person working in the kitchen at any one time.

\*Floor areas include storage, refrigeration storage, preparation, cooking, service, and dishwashing areas.



## Reg. 13 (3)

## THIRD SCHEDULE

NUMBER OF WATER-CLOSETS TO BE PROVIDED IN OLD  
PEOPLE'S HOMES

Number of residents	Number of water-closets
Not exceeding 5	1
6 to 12	2
13 to 20	3
Exceeding 20	1 for each additional 10 residents, or part of that number

## Reg. 20 (1) (b)

## FOURTH SCHEDULE

PARTICULARS TO BE CONTAINED IN AN APPLICATION  
FOR A LICENCE

1. The name, address, and occupation of the applicant.
- \*2. The name of the proposed manager.
3. The name of the proposed home.
4. The address of the premises, and the name of the registered owner.
5. A description of the premises and site, the number of storeys and type of construction of each of the buildings, the source of the water supply, the method of sewage disposal, details of toilet facilities available to residents and staff respectively, and details of service rooms and their equipment.
6. A schedule of rooms showing for each room the identification number, the dimensions, ventilation and window area, method of heating, fire-protection facilities and equipment, the use to which the room will be put, and the intended number of occupants.

\*Not required if the applicant will be the manager of the home.

## Reg. 20 (1) (c)

## FIFTH SCHEDULE

DOCUMENTS TO BE FILED WITH AN APPLICATION  
FOR A LICENCE

1. Two copies of a scale plan of each of the buildings comprising the premises, showing every room identified by number to correspond with the schedule of rooms provided in accordance with paragraph 6 of the Fourth Schedule to these regulations. However, these plans are not required where adequate plans of the premises have already been supplied in support of an earlier application in respect of the home for a licence under these regulations or the Old People's Homes Regulations 1965.

\*2. Two references as to the character of the applicant and his fitness to be the licensee of an old people's home. However, these are not

FIFTH SCHEDULE—*continued*

required where 2 such references have already been supplied by the applicant in support of an earlier application by him for a licence under these regulations or the Old People's Homes Regulations 1965.

3. Except as the Director-General may otherwise permit in any particular case, a certificate from the appropriate local authority, in the form set out in the Sixth Schedule to these regulations, to the effect that the fire precautions throughout the premises conform to New Zealand Standard 1900, Chapter 5, and any amendments made to that Standard and in force at the date of the application.

\*Not required if the application is made on behalf of an organisation.

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SIXTH SCHEDULE

Para. 3, Fifth Schedule

FIRE PROTECTION CERTIFICATE

1. Name of Building:	.....	.....	.....
2. No. of Floors:	.....	.....	.....
3. Construction Type:	.....	.....	.....
4. Floors:	Yes	No	Fire Prevention Recomm.
Wooden	.....	.....	.....
Concrete	.....	.....	.....
5. Walls:			
Wooden	.....	.....	.....
Concrete	.....	.....	.....
6. Wall lining:			
Plaster	.....	.....	.....
Combustible	.....	.....	.....
7. Ceiling:			
Plaster	.....	.....	.....
Combustible	.....	.....	.....
8. Egress:			
Adequate	.....	.....	.....
Indicated	.....	.....	.....
9. Smoke Stopping	.....	.....	.....
10. Auto Protection:			
Sprinkler	.....	.....	.....
Detectors	.....	.....	.....
11. Manual Alarms:	.....	.....	.....
12. Hose Reels:	.....	.....	.....
13. Fire Extinguishers:	.....	.....	.....
14. Heating:			
Oil	.....	.....	.....
Gas	.....	.....	.....
Electricity	.....	.....	.....

SIXTH SCHEDULE—*continued*

Do the fire protection measures in this proposed home comply with the requirements of the local authority? (NZSS 1900 Chapter 5) .....

If not, state where these deficiencies lie.

Forward any Fire Prevention Recommendations that are considered necessary.

P. G. MILLEN,  
Clerk of the Executive Council.

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**EXPLANATORY NOTE**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations are made pursuant to section 120A of the Health Act 1956 (as amended in 1973 and 1979). They consolidate, amend, and replace the Old People's Homes Regulations 1965.

The principal change lies in Part I of the regulations which prescribes minimum standards of rooms and facilities to be provided in licensed homes. Regulation 3 provides for a period of grace of 5 years for existing homes to meet these standards.

Other principal changes include:

- (a) A requirement that licences be renewed annually; regulation 23:
- (b) A widening of the grounds on which a licence may be revoked; regulation 31:
- (c) A clearer statement of the licensee's obligations, particularly the obligation to provide adequate care for the residents; regulation 36:
- (d) A requirement that a register of staff be kept; regulation 38.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 2 April 1980.

These regulations are administered in the Department of Health.