

**Homes for the Aged Act
(CHAPTER 126A)**

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HOMES FOR THE AGED ACT

(CHAPTER 126A)

(Original Enactment: Act 15 of 1988)

REVISED EDITION 2014

(30th April 2014)

An Act to provide for the control, licensing and inspection of homes for the aged and for purposes connected therewith.

[1st February 1989]

Short title

1. This Act may be cited as the Homes for the Aged Act.

Interpretation

2. In this Act, unless the context otherwise requires —

“Director” means the Director of Social Welfare appointed under section 3 of the Children and Young Persons Act (Cap. 38) and includes any person who is authorised by him to perform any of the duties or exercise any of the powers of the Director under this Act or any of its regulations;

“home for the aged” means any establishment the object of which is, or is held out to be, the provision of residential accommodation with board and personal care

for 5 or more old persons, whether able-bodied or disabled, but does not include —

- (a) premises which form part of any premises, including maternity homes, used or intended to be used solely for the reception, lodging and treatment and care of persons who require medical treatment or suffer from any disease;
- (b) premises used or intended to be used solely for the reception of, and the provision of nursing for, persons suffering or convalescing from any sickness, injury or infirmity;
- (c) premises used solely for the reception and care of dying or terminally ill persons; and
- (d) such other premises as may be prescribed;

“licence” means a licence issued under section 4 in respect of a home, and “licensed” and “licensee” shall have corresponding meanings;

“old person” means any person of the age of 60 years and above;

“resident”, in relation to a home, means any old person, except a member of the staff, residing in the home.

[20/2001]

Homes to which this Act applies

3.—(1) The homes to which this Act applies are homes for the aged.

(2) Notwithstanding anything in this Act, the Director may, upon the application of a person carrying on a home for the aged, approve for admission into the home any person whose age is between 50 and 60 years.

Licensing of homes

4.—(1) Any person who carries on a home for the aged without being licensed under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) An application for the issue of a licence shall be in such form as may be approved by the Director.

(3) Subject to the provisions of this section and section 5, the Director shall, on receipt of an application under subsection (2), issue a licence in respect of the home named in the application subject to such conditions as he may think fit to impose.

(4) If any condition imposed by or under subsection (3) is not complied with, the

person carrying on the home shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Refusal to issue licence

5. The Director may refuse to issue a licence if he is satisfied —

- (a) that the applicant or any person employed or proposed to be employed by him in the management of the home or part thereof is not a fit person, whether by reason of age or otherwise, to carry on or to be so employed at the home named in the application;
- (b) that for reasons connected with the situation, construction, state of repair, accommodation, staffing or equipment, the home or any premises used in connection with the home are not fit to be used as a home for the aged; or
- (c) that the way in which it is proposed to conduct the home is such as not to provide services or facilities reasonably required by old persons.

Revocation and suspension of licence

6.—(1) The Director may revoke or suspend a licence to use any premises as a home —

- (a) on any of the grounds specified in section 5;
- (b) if the licensee fails to comply with any direction given by the Director under section 15(1) or (2);
- (c) if the premises are no longer being used as a home;
- (d) if the home does not conform in all respects with minimum standards of accommodation that may be prescribed;
- (e) if, in the opinion of the Director, the construction of the home constitutes a 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 or otherwise protecting residents from fire, do not conform with the minimum standard required for homes;
- (f) if in the opinion of the Director —
 - (i) the standard of care available to residents in the home is unsatisfactory;
 - (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;

- (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;
- (g) if the home does not comply with any requirement under this Act or any of its regulations relating to staff;
 - (h) if the premises of the home are not repaired or altered as required by the Director;
 - (i) if a licensee is convicted for contravening any of the provisions of this Act or any of its regulations or if he fails to comply with any direction given by the Director under this Act; or
 - (j) if a licensee has contravened or if he fails to comply with any of the conditions specified in the licence.

(2) Before revoking or suspending a licence, the Director shall give notice to the licensee of the ground or grounds on which it is proposed to revoke or suspend the licence and shall afford the licensee an opportunity of showing cause why the licence should not be revoked or suspended.

Appeal

7. Any person aggrieved by any decision of the Director under section 5 or 6 may, within 21 days after notice of the decision is given to him, appeal to the Minister whose decision shall be final.

Duration of licence

8.—(1) On the issue of a licence, the licensee shall pay to the Director a fee of such amount as may be prescribed.

(2) A licence shall continue in force for a period of 2 years from the date of its issue, unless it has been previously revoked but may be renewed by the issue of a new licence.

Display of licence

9.—(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.