

PRIVATE HOSPITALS (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 10, 1971.

An Act to transfer the exercise and performance of certain powers, authorities, duties and functions in relation to private hospitals and nursing homes to The Hospitals Commission of New South Wales; to make further provisions relating to the management of private hospitals and nursing homes; for these and other purposes to amend the Private Hospitals Act, 1908, and the Public Hospitals Act, 1929; and for purposes connected therewith. [Assented to, 14th May, 1971.]

BE

Private Hospitals (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by No. 10, 1971
and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as
follows:—

1. (1) This Act may be cited as the "Private Hospitals Short title,
(Amendment) Act, 1971". commencement
and
construction.

(2) This Act shall commence upon a day to be
appointed by the Governor and notified by proclamation
published in the Gazette.

(3) The Private Hospitals Act, 1908, is in this Act
referred to as the Principal Act.

2. The Principal Act is amended—

Amendment
of Act No.
14, 1908.

(a) (i) by inserting next after the definition of Sec. 2.
"Building" in section two the following new (Defini-
definition :— tions.)

"Commission" means The Hospitals Com-
mission of New South Wales con-
stituted under the Public Hospitals
Act, 1929.

(ii) by omitting the definition of "Manager" in the
same section;

(iii) by inserting next before the definition of
"Patient" in the same section the following
new definition :—

"Nursing home" means a building estab-
lished or used or intended to be
established or used to board and lodge
for fee or reward patients—

(a) who are recuperating from
illness or childbirth and who
require only nursing care; or

(b)

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- (b) who, on account of age, senility, infirmity, chronic ill-health or other condition, require the exercise of oversight, nursing care and control with or without occasional attention by a medical practitioner,

but does not include—

- (c) an institution conducted by or on behalf of the State;
 - (d) an incorporated hospital or separate institution within the meaning of the Public Hospitals Act, 1929;
 - (e) a private hospital;
 - (f) an authorised hospital within the meaning of the Mental Health Act, 1958; or
 - (g) an institution within the meaning of the Inebriates Act, 1912.
- (iv) by omitting from the definition of "Patient" in the same section the words "rest home" and by inserting in lieu thereof the words "nursing home";
- (v) by omitting the definition of "Private hospital" in the same section and by inserting in lieu thereof the following definition :—

"Private hospital" means a building established or used or intended to be established or used for the treatment for fee or reward of patients, but does not include—

- (a) an institution conducted by or on behalf of the State;

(b)

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- (b) an incorporated hospital or ^{No. 10, 1971} separate institution within the meaning of the Public Hospitals Act, 1929;
- (c) a nursing home;
- (d) an authorised hospital within the meaning of the Mental Health Act, 1958; or
- (e) an institution within the meaning of the Inebriates Act, 1912.
- (vi) by omitting the definition of "Rest home" in the same section;
- (vii) by omitting from the definition of "Ward" in the same section the words "rest home in which patients are received or lodged for treatment" and by inserting in lieu thereof the words "nursing home in which patients are lodged";
- (b) by omitting from the short heading appearing next ^{Short heading before} before section six the words "*rest homes*" and by ^{sec. 6.} inserting in lieu thereof the words "*nursing homes*";
- (c) (i) by omitting from subsection one of section ^{Sec. 6.} six the words "Minister on the recommenda- ^(Licenses.) tion of the Board of Health" and by inserting in lieu thereof the word "Commission";
- (ii) by omitting subsection (1A) of the same section and by inserting in lieu thereof the following subsection :—
- (1A) No nursing home shall be carried on, used, or conducted, except under the authority of a license granted by the Commission.
- (iii) by omitting from subsection two of the same section the words "one hundred dollars and not less than twenty dollars" and by inserting **in**

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in lieu thereof the words "two hundred dollars and, in addition, to a fine of not exceeding fifty dollars for every day on which the breach continues";

- (iv) by omitting from subsection three of the same section the words "Board of Health" and by inserting in lieu thereof the word "Commission";
- (v) by omitting from the same subsection the words "rest home" and by inserting in lieu thereof the words "nursing home";
- (vi) by omitting from subsection four of the same section the words "Board of Health" and by inserting in lieu thereof the word "Commission";
- (vii) by omitting from the same subsection the words "rest home" and by inserting in lieu thereof the words "nursing home";
- (viii) by inserting next after the same subsection the following new subsection :—

(4A) The provisions of subsections three and four of this section have effect subject to the provisions of section 10c of this Act.

Sec. 7.
(Application
for license.)

- (d) (i) by omitting from subsection one of section seven the words "Board of Health" and by inserting in lieu thereof the word "Commission";
- (ii) by omitting from paragraph (a) of subsection two of the same section the words "rest home" and by inserting in lieu thereof the words "nursing home";

Sec. 7A.
(Interim
license.)

- (e) (i) by omitting from subsection one of section 7A the words "President of the Board of Health" and by inserting in lieu thereof the word "Commission";

(ii)

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- (ii) by omitting from subsection two of the same section the word "Minister" and by inserting in lieu thereof the word "Commission";
- (f) (i) by omitting from section eight the words "rest home" wherever occurring and by inserting in lieu thereof the words "nursing home";
- (ii) by omitting from subsection one of the same section the words "Minister, on the recommendation of the Board of Health" and by inserting in lieu thereof the word "Commission";
- (iii) by omitting from the same subsection the words "Minister as aforesaid" and by inserting in lieu thereof the word "Commission";
- (iv) by omitting from subsection two of the same section the words "Minister shall, as aforesaid, satisfy himself" and by inserting in lieu thereof the words "Commission shall satisfy itself";
- (v) by omitting from the same section the words "rest homes" wherever occurring and by inserting in lieu thereof the words "nursing homes";
- (vi) by omitting subsection five of the same section and by inserting in lieu thereof the following subsection :—

(5) Where the Commission is satisfied that the particulars specified in a license require amendment, the Commission may cancel the license by notice in writing sent by post to the licensee at the address of the private hospital or nursing home to which the license applies and grant to him a substitute license containing the amended particulars.

The cancellation of a license under this subsection shall take effect upon the grant of the substitute license.

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The cancelled license shall be forwarded by the licensee to the Commission within fourteen days of receipt of a notice under this subsection.

A licensee who fails to forward a license in accordance with the provisions of this subsection shall be guilty of an offence against this Act.

Sec. 8A.
(Notification
of change of
particulars.)

- (g) (i) by omitting from section 8A the words "rest home" wherever occurring and by inserting in lieu thereof the words "nursing home";
- (ii) by omitting from subsection one of the same section the words "Board of Health" and by inserting in lieu thereof the word "Commission";
- (iii) by omitting from subsection two of the same section the words "Board of Health" where firstly occurring and by inserting in lieu thereof the word "Commission";
- (iv) by omitting from the same subsection the words "Board of Health with the approval of the Minister" and by inserting in lieu thereof the word "Commission";
- (v) by omitting subsection three of the same section;

Sec. 9.
(Annual
license fee
to be paid.)

- (h) (i) by omitting from section nine the words "Board of Health" wherever occurring and by inserting in lieu thereof the word "Commission";
- (ii) by omitting from subsection four of the same section the words "with the approval of the Minister";

(i)

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- (i) by omitting from paragraph (b) of subsection two of section 9A the word "Minister" wherever occurring and by inserting in lieu thereof the word "Commission"; No. 10, 1971
Sec. 9A.
(Death of licensee.)
- (j) by omitting from subsection one of section 9B the words "Minister on the recommendation of the Board of Health" and by inserting in lieu thereof the word "Commission"; Sec. 9B.
(Transfer of license.)
- (k) by omitting from the short heading appearing next before section ten the words "*rest homes*" and by inserting in lieu thereof the words "*nursing homes*"; Short heading before sec. 10.
- (l) by omitting section ten and by inserting in lieu thereof the following new section :— Subst. sec. 10.
10. (1) In this section, "establishment" means private hospital or nursing home. Chief nurses and assistant chief nurses.
- (2) The licensee of an establishment is guilty of an offence against this Act unless—
- (a) there is a person who carries out the duties of chief nurse of the establishment and who is responsible for the conduct of the establishment; and
- (b) that person is a registered nurse and holds the prescribed qualifications that are applicable to the chief nurse of the establishment.
- (3) Notwithstanding subsection two of this section, where the regulations prescribe qualifications that are applicable to the chief nurse of an establishment, the licensee of the establishment is not guilty of an offence under that subsection by reason only that the person who carries out the duties of chief nurse of the establishment does not hold those qualifications, if there is a person who is

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a registered nurse and who holds those qualifications and who carries out the duties of assistant chief nurse of the establishment.

(4) Notwithstanding subsections two and three of this section, the licensee of an establishment is not guilty of an offence under subsection two of this section by reason only that, for a number of days not exceeding the prescribed number of days during the prescribed period, there is no person who is a registered nurse and who holds the prescribed qualifications that are applicable to the chief nurse of the establishment and who carries out the duties of chief nurse or assistant chief nurse of the establishment.

(5) Except as may be provided by the regulations, the licensee of an establishment shall, forthwith after a person commences to carry out the duties of chief nurse or assistant chief nurse of the establishment, notify the Commission in writing of that fact and of the full name and the qualifications of that person.

(6) The Commission—

- (a) may, by notification sent by post or delivered to the licensee of an establishment, prohibit a person specified therein from carrying out the duties of chief nurse or assistant chief nurse of the establishment except in such circumstances (if any) as are specified therein; and
- (b) may, by a like notification, revoke a notification under paragraph (a) of this subsection, and a notification under this subsection has effect according to its tenor.

(7) The licensee of an establishment is guilty of an offence against this Act if, while a notification sent or delivered to him under paragraph

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paragraph (a) of subsection six of this section in No. 10, 1971 respect of a person remains unrevoked, that person carries out the duties of chief nurse or assistant chief nurse of the establishment in contravention of the notification.

(8) Nothing in this Act prevents the licensee of an establishment from carrying out the duties of chief nurse or assistant chief nurse of the establishment if he could carry out those duties had he not been the licensee.

(9) It shall be a defence to a prosecution for an offence against this Act arising under this section if the person charged proves that he took all such steps as are reasonable in the circumstances to avoid being guilty of the offence.

(10) The regulations may make provision for or with respect to determining the duties of the chief nurses and assistant chief nurses of establishments.

(m) (i) by omitting from section 10A the words "rest home" wherever occurring and by inserting in lieu thereof the words "nursing home"; Sec. 10A. (Responsibility of licensees.)

(ii) by inserting at the end of the same section the following new subsections :—

(2) The licensee of a private hospital or nursing home shall ensure that a registered nurse is on duty in the private hospital or nursing home at all times.

Notwithstanding the foregoing provisions of this subsection, the licensee of a nursing home is not guilty of an offence against this Act arising under this subsection by reason that a registered nurse was not on duty in the nursing home during any period if he proves that during that period there was on the premises

thereof

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thereof a registered nurse who, though not on duty therein, was available for duty in the event of any emergency, was able to be contacted immediately in that event, and could be expected to enter on duty therein in sufficient time to deal with or assist in dealing with the emergency.

(3) The licensee of a private hospital or nursing home shall ensure that a copy of this Act and a copy of the regulations are at all times on the premises of the private hospital or nursing home and readily available for inspection at those premises by the chief nurse.

(4) Where any damage to the premises of a private hospital or nursing home, or to anything therein or thereon, occurs by reason of fire, the licensee of the private hospital or nursing home shall, except in such cases or classes of cases as are specified or described in the regulations, report the damage to the Commission in writing as soon as practicable after the occurrence.

Sec. 10B.
(Certain
description
not to be
used.)

- (n) (i) by omitting from section 10B the words "manager or resident assistant" wherever occurring and by inserting in lieu thereof the words "chief nurse or assistant chief nurse";
- (ii) by omitting from subsection one of the same section the words "rest home" wherever occurring and by inserting in lieu thereof the words "nursing home";
- (iii) by omitting from subsection two of the same section the words "rest home who is registered as a nurse under the Nurses Registration Act, 1953, as amended by subsequent Acts" and by inserting in lieu thereof the words "nursing home who is a registered nurse";

(o)

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- (o) by inserting next after section 10B the following new section :—
- New sec.
10c.
- 10c. (1) The licensee of a nursing home who, after the expiration of six months after the commencement of the Private Hospitals (Amendment) Act, 1971, does anything, or suffers anything to be done, whereby the nursing home is held out to be a hospital by the use of the word "hospital", whether in its name or otherwise, shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding two hundred dollars and, in addition, a penalty not exceeding fifty dollars for every day on which the offence continues.
- (2) The provisions of subsection one of this section apply to a nursing home that is, under section six of this Act, exempted from the operation of this Act, and so apply as if the word "licensee" were omitted therefrom and the words "proprietor or person-in-charge" were inserted in lieu thereof.
- (p) by omitting from section eleven the word "manager" wherever occurring and by inserting in lieu thereof the words "chief nurse";
- Sec. 11.
(Notice of certain diseases.)
- (q) by omitting from section twelve the word "manager" wherever occurring and by inserting in lieu thereof the words "chief nurse";
- Sec. 12.
(Notice of death or birth.)
- (r) by omitting from subsection one of section thirteen the words "rest home" wherever occurring and by inserting in lieu thereof the words "nursing home";
- Sec. 13.
(Keeping of register.)
- (s) (i) by omitting from section fourteen the words "rest home" and by inserting in lieu thereof the words "nursing home";
- Sec. 14.
(Inspection.)
- (ii) by omitting from the same section the words "the president of the Board of Health" and by inserting in lieu thereof the words "a member of the Commission";

(iii)

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- No. 10, 1971** (iii) by omitting from the same section the words "Board of Health on that behalf" and by inserting in lieu thereof the words "Commission in that behalf";
- Sec. 14A.**
(Provision for repairs, etc.)
- (t) (i) by omitting from subsection one of section 14A the words "Board of Health" and by inserting in lieu thereof the word "Commission";
- (ii) by omitting from subsection one of the same section the words "rest home" wherever occurring and by inserting in lieu thereof the words "nursing home";
- (iii) by omitting from subsection two of the same section the words "Board of Health with the approval of the Minister" and by inserting in lieu thereof the word "Commission";
- Sec. 15.**
(Purpose for which hospital, etc., may be used.)
- (u) by omitting from section fifteen the words "rest home" wherever occurring and by inserting in lieu thereof the words "nursing home";
- Sec. 16.**
(Inquiry as to management.)
- (v) (i) by omitting from subsection one of section sixteen the words "Minister may at any time" and by inserting in lieu thereof the words "Commission may at any time, and shall, if the Minister so directs,";
- (ii) by omitting from the same subsection the words "rest home" and by inserting in lieu thereof the words "nursing home";
- (iii) by omitting from the same subsection the word "him" and by inserting in lieu thereof the word "it";
- (iv) by omitting from subsection two of the same section the word "Minister" and by inserting in lieu thereof the words "Commission and, if the inquiry was made at the direction of the Minister, to the Minister";

(v)

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- (v) by omitting from subsection three of the same section the words "Minister may, if he" and by inserting in lieu thereof the words "Commission may, if it";
- (vi) by omitting from the same subsection the words "rest home" and by inserting in lieu thereof the words "nursing home";
- (w) (i) by omitting from subsection one of section 16A the words "Minister may, on the recommendation of the Board of Health" and by inserting in lieu thereof the words "Commission may"; Sec. 16A. (Revocation of licenses.)
- (ii) by omitting from the same subsection the words "Board of Health" where secondly and thirdly occurring and by inserting in lieu thereof the word "Commission";
- (iii) by omitting from the same subsection the words "rest home" wherever occurring and by inserting in lieu thereof the words "nursing home";
- (iv) by omitting from paragraph (e) of the same subsection the word "if";
- (v) by omitting from paragraph (f) of the same subsection the words "or three";
- (vi) by omitting from the same paragraph the words "this Act." and by inserting in lieu thereof the following words and new paragraph : —
- this Act; or
- (g) the private hospital or nursing home ceases to operate as a private hospital or nursing home.

(vii)

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- (vii) by omitting subsection two of the same section and by inserting in lieu thereof the following subsection :—

(2) Before revoking a license under this section, the Commission shall serve notice in writing on the licensee that it proposes to revoke the license.

Any such notice shall—

- (a) specify the grounds upon which it is proposed to revoke the license; and
 (b) appoint a time within which the licensee may show cause why the license should not be revoked.

Sec. 16B.
 (When revocation to take effect.)

- (x) (i) by omitting from section 16B the words “rest home” and by inserting in lieu thereof the words “nursing home”;
 (ii) by omitting from the same section the word “Minister” and by inserting in lieu thereof the word “Commission”;

Sec. 16C.
 (Appeal against revocation.)

- (y) by omitting from section 16C the words “rest home” wherever occurring and by inserting in lieu thereof the words “nursing home”;

Sec. 17.
 (Evidence that house, &c., is a private hospital or nursing home.)

- (z) (i) by omitting from section seventeen the words “treatment, attendance, or” wherever occurring and by inserting in lieu thereof the words “treatment or attendance, or nursing”;
 (ii) by omitting from the same section the words “rest home” and by inserting in lieu thereof the words “nursing home”;

Sec. 18.
 (Regulations.)

- (aa) (i) by omitting from section eighteen the words “Board of Health” wherever occurring and by inserting in lieu thereof the word “Commission”;

(ii)

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- (ii) by omitting from the same section the words No. 10, 1971 "rest homes" wherever occurring and by inserting in lieu thereof the words "nursing homes";
- (iii) by omitting from subsection two of the same section the words "rest home" wherever occurring and by inserting in lieu thereof the words "nursing home";
- (iv) by omitting from paragraph (c) of the same subsection the words "managers and resident assistants" and by inserting in lieu thereof the words "chief nurses and assistant chief nurses";
- (v) by omitting from paragraph (e) of the same subsection the words "drainage and provision of fire escapes" and by inserting in lieu thereof the words "drainage, the sufficiency and efficiency of the means of escape in case of fire, any aspect of the construction and design of the buildings which relates to safety from fire and fire protection and the means of detecting and extinguishing fire";
- (vi) by inserting next after paragraph (v) of the same subsection the following new paragraphs :—
 - (w) prescribing the records to be kept by private hospitals or nursing homes;
 - (x) prescribing the information to be furnished to the Commission in respect of private hospitals and nursing homes, the persons who are required to furnish it, the times within which it is to be furnished and the method of furnishing it.
- (vii) by omitting from subsection four of the same section the words "one hundred dollars" and by inserting in lieu thereof the words "two hundred dollars";

(bb)

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- No. 10, 1971
Sec. 19.
(Medicines dispensed by pharmacists.)
Sec. 21.
(Certificate as to certain matters.)
- (bb) by omitting from section nineteen the words "rest home" and by inserting in lieu thereof the words "nursing home";
- (cc) (i) by omitting from section twenty-one the words "Board of Health" wherever occurring and by inserting in lieu thereof the word "Commission";
- (ii) by omitting from the same section the words "rest home" wherever occurring and by inserting in lieu thereof the words "nursing home";
- Sec. 22.
(Notices.)
- (dd) by omitting from section twenty-two the words "Board of Health" wherever occurring and by inserting in lieu thereof the word "Commission";
- Sec. 24.
(Fees.)
- (ee) by omitting from section twenty-four the words "Consolidated Revenue Fund" and by inserting in lieu thereof the words "the Hospital Fund established under the Public Hospitals Act, 1929";
- Sec. 25.
(Exoneration of certain persons.)
- (ff) (i) by inserting in section twenty-five after the word "done" where firstly occurring the words "or omitted to be done";
- (ii) by inserting in the same section after the word "Health" where secondly occurring the words ", before the commencement of the Private Hospitals (Amendment) Act, 1971, or done or omitted to be done by the Commission, or by any member, officer or employee of or person authorised by the Commission, after that commencement,";

(gg)

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(gg) by inserting next after section twenty-five the No. 10, 1971 following new section :—

New sec.
26.

26. (1) The Commission may, by instrument in writing, delegate to a person specified in the instrument of delegation the exercise or performance of such of its powers, authorities, duties and functions conferred or imposed upon it by or under this Act (except this power of delegation and the making of a recommendation for the purposes of subsection one of section eighteen of this Act) as may be specified in the instrument and may in like manner revoke wholly or in part any such delegation. Delegation
by Com-
mission.

(2) Any power, authority, duty or function the exercise or performance of which has been delegated under this section may, while the delegation remains unrevoked, be exercised or performed from time to time by the delegate in accordance with the terms of the delegation.

(3) A delegation made under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the specified powers, authorities, duties or functions or as to time or circumstances as may be specified in the instrument of delegation.

(4) Notwithstanding any delegation made under this section, the Commission may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(5) Any act or thing done or suffered by a delegate when acting in the exercise of a delegation made under this section and within the terms of the delegation shall have the like force or effect as if the act or thing had been done or suffered by the Commission.

3.

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No. 10, 1971 **3. The Public Hospitals Act, 1929, is amended—**

Amendment
of Act No.
8, 1929.

Sec. 3.
(Interpre-
tation.)

- (a) (i) by inserting next after the definition of “In-patient” in section three the following new definition :—

“Nursing home” means a nursing home within the meaning of the Private Hospitals Act, 1908.

- (ii) by inserting next after the definition of “Prescribed” in the same section the following new definition :—

“Private hospital” means a private hospital within the meaning of the Private Hospitals Act, 1908.

Sec. 5.
(Appoint-
ment of
Commis-
sion.)

- (b) by inserting in subsection one of section five after the word “Act” the words “and the Private Hospitals Act, 1908”;

Sec. 8.
(Appoint-
ment of
officers and
employees.)

- (c) by inserting in subsection four of section eight after the word “hospital” the words “or any present or past patient of any private hospital or nursing home”;

Sec. 9.
(Members
not to be
personally
interested
in contracts,
&c.)

- (d) (i) by omitting from paragraph (a) of section nine the words “or associated organisation” and by inserting in lieu thereof the words “, associated organisation, private hospital or nursing home”;

- (ii) by omitting from paragraph (ii) of the proviso to the same section the words “or associated organisation” and by inserting in lieu thereof the words “, associated organisation, private hospital or nursing home”;

- (iii) by inserting in paragraph (iii) of the same proviso after the word “organisation” the words “or the governing authority or licensee

(within

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(within the meaning of the Private Hospitals Act, 1908) of any private hospital or nursing home”;

- (e) by inserting in subsection one of section ten after the word “Act” the words “and the Private Hospitals Act, 1908”;
- Sec. 10.
(Salaries and expenses paid out of Hospital Fund.)
- (f) by omitting from section 11A the words “such inquiry in respect of a private hospital to which the provisions of the Private Hospitals Act, 1908, as amended by subsequent Acts, applies, unless the funds for the establishment or maintenance of such private hospital are derived wholly or in part from the public by voluntary contributions” and by inserting in lieu thereof the words “inquiry under this section in respect of a private hospital or nursing home”.
- Sec. 11A.
(Inquiries by Commission.)

4. (1) Any act, matter or thing that—

Savings.

- (a) was done or omitted to be done under the Principal Act (except section ten or fourteen thereof) before the commencement of this Act by, to or in respect of the Minister, the Board of Health or the Secretary of the Board of Health; and
- (b) could, when it was so done or omitted to be done, have been done or omitted to be done by, to or in respect of the Commission or the Secretary of the Commission, as the case may require, had this Act been then in force, shall, after that commencement, be deemed to have been done or omitted to be done by, to or in respect of the Commission or Secretary of the Commission, as the case may require.

(2)

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(2) Subsection one of this section has effect in respect of any act, matter or thing done or omitted to be done—

- (a) by the Minister—whether or not it was done or omitted to be done, or required to be done or omitted to be done, on the recommendation of the Board of Health; or
- (b) by the Board of Health—whether or not it was done or omitted to be done, or required to be done or omitted to be done, with the approval of the Minister.

(3) A license granted by the Minister under subsection (1A) of section six of the Principal Act and in force immediately before the commencement of this Act shall, after that commencement, be deemed to have been granted by the Commission under subsection (1A) of section six of the Principal Act, as amended by this Act.

(4) A reference, in any other Act, or in any by-law, regulation or ordinance, or in any license granted under the Principal Act, or in any other instrument or document whatsoever, of the same or a different kind or nature, to a rest home shall be read and construed as a reference to a nursing home.

(5) Subject to this section, any act, matter or thing done or omitted to be done under the Principal Act (except section ten thereof) before the commencement of this Act in respect of or in relation to an establishment that was a rest home shall, after that commencement, have the same effect as it would have had in respect of or in relation to that establishment had the amendments made by this Act not been made.

(6) Any application made to the President of the Board of Health under section 7A of the Principal Act and pending immediately before the commencement of this Act shall be deemed to have been made to the Commission.

(7)

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(7) Any interim license granted by the President of the Board of Health under section 7A of the Principal Act and in force immediately before the commencement of this Act shall be deemed to have been granted by the Commission. No. 10, 1971

(8) All suits, actions and proceedings pending immediately before the commencement of this Act at the suit of any person against the Minister or the Board of Health in respect of any act, matter or thing done or omitted to be done under or in purported compliance with the Principal Act shall be suits, actions and proceedings pending at the suit of that person against the Commission.

(9) In this section, "rest home" has the meaning ascribed to that expression in the Principal Act.