



THE STATUTES OF THE REPUBLIC OF SINGAPORE

HOMES FOR THE AGED ACT 1988

2020 REVISED EDITION

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Homes for the Aged Act 1988

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

[1 February 1989]

Short title

1. This Act is the Homes for the Aged Act 1988.

Interpretation

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

“Director-General” means the Director-General of Social Welfare and includes any person who is authorised by the Director-General to perform any of the duties or exercise any of the powers of the Director-General 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) any other premises that may be prescribed;

“licence” means a licence issued under section 4 in respect of a home, and “licensed” and “licensee” 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.

[30/2019]

Homes to which this Act applies

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

(2) Despite anything in this Act, the Director-General 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.

[30/2019]

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 must be in such form as may be approved by the Director-General.

[30/2019]

(3) Subject to the provisions of this section and section 5, the Director-General must, on receipt of an application under subsection (2), issue a licence in respect of the home named in the application subject to any conditions that the Director-General may think fit to impose.

[30/2019]

(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-General may refuse to issue a licence if the Director-General is satisfied —

- (a) that the applicant or any person employed or proposed to be employed by the applicant in the management of the home or part of the home 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.

[30/2019]

Revocation and suspension of licence

6.—(1) The Director-General 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-General 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 Director-General's opinion, the construction of the home constitutes a fire risk, or the firefighting 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 Director-General's opinion —
 - (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 the resident's 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-General;
- (i) if a licensee is convicted for contravening any of the provisions of this Act or any of its regulations or if the licensee fails to comply with any direction given by the Director-General under this Act; or
- (j) if a licensee has contravened or if the licensee fails to comply with any of the conditions specified in the licence.

[30/2019]

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

[30/2019]

Appeal

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

[30/2019]

Duration of licence

8.—(1) On the issue of a licence, the licensee must pay to the Director-General a fee, if prescribed.

[30/2019]

(2) A licence continues 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 must cause the licensee's 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 subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

Transfer of licence

10. On an application in writing signed by the licensee of any home, and by the person to whom the licensee desires to transfer the licence, the Director-General may, either by way of endorsement on the licence or otherwise in writing, transfer the licence to that person, and upon the transfer that person becomes the licensee of the home.

[30/2019]

Transfer or revocation of licence upon death of licensee

11.—(1) If the licensee, or the sole surviving licensee, of a home dies, his or her surviving spouse or any member of his or her family or any relative must within 21 days of his or her death notify the Director-General of the death, and the Director-General may, if the Director-General 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 upon the transfer that person becomes the licensee of the home.

[30/2019]

(2) Subject to subsection (4), until the licence is transferred in accordance with subsection (1) or unless the licence is revoked under this section or section 6, the home continues to be a licensed home under this Act.

(3) If the licence is not transferred in accordance with subsection (1) within 3 months after the death of the licensee or of the sole surviving licensee, the Director-General may, by notice under the hand of the Director-General in the *Gazette*, revoke the licence and upon the revocation the home ceases to be a licensed home.

[30/2019]

(4) If the Director-General is not notified of the death of the licensee or of the sole surviving licensee by the end of the period of

21 days after his or her death under subsection (1), the home ceases to be a licensed home upon the expiration of that period.

[30/2019]

Termination of licence where licensee disposes of home

12. Subject to sections 10 and 11, every licence ceases to have effect when the licensee ceases to be the owner or lessee of the home to which the licence relates.

Registers

13.—(1) The Director-General must cause to be kept and maintained a register of all licensed homes.

[30/2019]

(2) Every licensee may be required to keep and maintain such register of residents and staff as the Director-General considers necessary for carrying out the purposes of this Act.

[30/2019]

Inspection

14.—(1) The Director-General may at any time visit and inspect any home and any premises which the Director-General suspects or has reason to believe to be used as a home, and may inspect any apparatus, appliance, equipment or instrument or any book, document or record relating to the home, and question any person found in the home or premises in respect of matters relevant to this Act.

[30/2019]

(2) Any person who prevents or obstructs or attempts to prevent or obstruct the Director-General in the execution of the Director-General's powers under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one year or to both.

[30/2019]

Directions as to apparatus and equipment

15.—(1) Where, in the Director-General's opinion, the use of any apparatus, appliance, equipment or instrument in a home is dangerous

or detrimental to any person in the home or is otherwise unsuitable for the purpose for which it is used, the Director-General may by notice direct the licensee to stop using it.

[30/2019]

(2) The Director-General may by notice direct the licensee of a home to install or replace any apparatus, appliance, equipment or instrument in the home that may be specified in the notice.

[30/2019]

Duty to provide information

16.—(1) The Director-General may from time to time require the licensee of a home to provide any information that the Director-General may require relating to —

- (a) the staff and residents;
- (b) any apparatus, appliance, equipment or instrument used in the home;
- (c) the condition or treatment of any resident;
- (d) the premises of the home, the accommodation and the environment; and
- (e) any matter relevant to this Act.

[30/2019]

(2) A licensee who on receipt of any requisition under this section —

- (a) refuses or fails to provide any information required by the Director-General; or
- (b) gives any false or misleading information,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[30/2019]

Offences by bodies corporate

17. Where a body corporate is guilty of an offence under this Act and that offence 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 or she as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Restriction on disclosure of information

18. If any person discloses to any other person any information obtained by or given to the person pursuant to this Act, the person shall, unless the disclosure was made in the performance of the person's duty, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Exemption

19.—(1) The Minister may, subject to any terms or conditions that the Minister may impose, exempt any premises from all or any of the provisions of this Act.

(2) An exemption granted under subsection (1) may be withdrawn at any time.

Regulations

20.—(1) The Minister may make regulations for any purpose for which regulations are required to be made under this Act and generally for carrying out the purposes and provisions of this Act.

(2) Without limiting subsection (1), the Minister may make regulations for or with respect to all or any of the following matters:

- (a) the forms, fees and registers for the purposes of this Act;
- (b) the records of residents in, and the staff of, a home;
- (c) the obligations and duties of a licensee;
- (d) the requirements as to the number and qualifications of nursing and other staff in a home;
- (e) the apparatus, appliances, equipment and instruments to be provided and maintained in a home;
- (f) the facilities and services to be provided in a home;

- (g) empowering the Director-General to limit the number of persons of any description who may be received into any home for the aged and for enabling the licensing of any home for the aged to be made subject to the condition that persons must not be received in the home in excess of the number fixed for the home in accordance with the regulations;
- (h) the minimum standards of accommodation, sanitation and other amenities in a home;
- (i) the cleanliness and hygiene in a home;
- (j) the safety and welfare of residents in a home;
- (k) the management, control, superintendence and care of a home;
- (l) the notification of events occurring in a home;
- (m) the general conduct of a home.

[30/2019]

(3) Regulations made under this section may —

- (a) prohibit the performance of specified acts without the Director-General's consent;
- (b) authorise the Director-General to require or prohibit the performance of specified acts; and
- (c) require specified acts to be performed to the Director-General's satisfaction.

[30/2019]

(4) The Director-General may, by written notice to the licensee of a home, waive wholly, partly or conditionally the requirements of any regulations in respect of that home and may amend or withdraw the notice.

[30/2019]

LEGISLATIVE HISTORY

HOMES FOR THE AGED ACT 1988

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 15 of 1988 — Homes for the Aged Act 1988

Bill	:	11/1988
First Reading	:	28 June 1988
Second and Third Readings	:	29 July 1988
Commencement	:	1 February 1989

2. 1989 Revised Edition — Homes for the Aged Act (Chapter 126A)

Operation	:	15 March 1989
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3. Act 20 of 2001 — Children and Young Persons (Amendment) Act 2001
(Amendments made by section 48 read with item (4) of the Schedule to the above Act)

Bill	:	12/2001
First Reading	:	22 February 2001
Second and Third Readings	:	20 April 2001
Commencement	:	1 October 2001 (section 48 read with item (4) of the Schedule)

4. 2014 Revised Edition — Homes for the Aged Act (Chapter 126A)

Operation	:	30 April 2014
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5. Act 30 of 2019 — Children and Young Persons (Amendment) Act 2019
(Amendments made by section 66 of the above Act)

Bill	:	22/2019
First Reading	:	5 August 2019
Second Reading	:	3 September 2019
Third Reading	:	4 September 2019
Commencement	:	1 July 2020 (section 66)

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number