STATUTORY RULES OF NORTHERN IRELAND

2007 No. 220 (C.13)

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Quality, Improvement and Regulation) (2003 Order) (Commencement No. 4 and Transitional Provisions) Order (Northern Ireland) 2007

Made - - - - 29th March 2007

The Department of Health, Social Services and Public Safety, in exercise of the powers conferred by Article 1 (3) and 48 (2) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (**1**), hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Health and Personal Social Services (Quality, Improvement and Regulation) (2003 Order) (Commencement No.4 and Transitional Provisions) Order (Northern Ireland) 2007.

(2) In this Order -

"the 2003 order" means the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003;

Appointed day

2. Subject to Article 3, 30th April 2007 is the appointed day for the coming into operation of the provisions of the 2003 Order as described in the Schedule, in so far as they are not already in operation.

Transitional Provisions

3.—(1) This Article applies to persons who, by virtue of the provisions of the 2003 Order are required to be registered under Part III of that Order but who immediately prior to 30th April 2007 were not required to be so registered.

(2) Where paragraph (1) applies, a person who immediately prior to 30th April 2007 was carrying on or managing an establishment or agency may continue to carry on or manage the establishment or agency.

(**1**) S.I 2003/431 (N.I..9)

(a) during a period of 12 months beginning on and including 30th April 2007; and

(b) if, within that period, an application is made to the Regulation and Improvement Authority for registration under Part III of the 2003 Order, until that application is finally disposed of or withdrawn.

(3) Where paragraph (2) applies, Articles 12 (1), (4) and (5) of the 2003 Order shall not apply to such a person.

(4) In this Article "finally disposed of" means the date 28 days following the grant or refusal of registration and, if an appeal is made, the date when the appeal is finally determined or abandoned.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 29th March 2007

L.S.

M.Briscoe
A senior officer of the
Department of Health, Social Services and
Public Safety

SCHEDULE

Provisions of the Order Coming into Operation on 30th April 2007

Provision of the Order	*Subject Matter*	*Purposes*
Column 1	*Column 2*	*Column 3*
In Article 8 – Paragraphs (1) (b) and (g). Paragraph (2) (a),	Regulated establishments and agencies: general interpretation	All Purposes

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 30th April 2007, further provisions of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 ("the 2003 Order") as set out in Article 2 and the Schedule.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Provision	*Date of Commencement*	*S.I. No.*
Article 3	1st September 2003	SR2003 No.348 (C.26)
Article 4	1st March 2005	SR 2005 No.44 (C.4)
Article 5	1st March 2005	SR 2005 No.44 (C.4)
Article 6	1st September 2003	SR 2003 No.348 (C.26)
Article 7	1st March 2005	SR 2005 No.44 (C.4)
Article 8 Paras (1) (a), (c), (d), (e), (f) and (h). Para (2) (c), (d) and (f). Para (3) & (4)	1st March 2005	SR 2005 No.44 (C.4)
Articles 9 to 14	1st March 2005	SR 2005 No.44 (C.4)
Article 15 Paras (1), (2) (a) to (d) and (3)	1st March 2005	SR 2005 No.44 (C.4)
Articles 16 – 33	1st March 2005	SR 2005 No.44 (C.4)

Provision	*Date of Commencement*	*S.I. No.*
Article 34	25th April 2003	SR 2003 No. 239 (C.18)
Article 35	1st March 2005	SR 2005 No.44 (C.4)
Article 38 Para (1), (2) and (3)	1st September 2003	SR 2003 No.348 (C.26)
Article 38 Para (4)	1st March 2005	SR 2005 No.44 (C.4)
Article 39	1st March 2005	SR 2005 No.44 (C.4)
Article 40 Para (1), (2) and (3) (a)	1st March 2005	SR 2005 No.44 (C.4)
Article 40 Para (3) (b) in so far as it relates to the requirements under regulations under Part III	1st March 2005	SR 2005 No.44 (C.4)
Article 40 Para (3) (c) to (e), (4) to (7)	1st March 2005	SR 2005 No.44 (C.4)
Article 41 to 43	1st March 2005	SR 2005 No.44 (C.4)
Article 44	1st March 2005	SR 2005 No.44 (C.4)
Article 45	1st March 2005	SR 2005 No.44 (C.4)
Article 46	25th April 2003	SR 2003 No. 239 (C.18)
Article 47	25th April 2003	SR 2003 No. 239 (C.18)
Article 48	1st September 2003	SR 2003 No.348 (C.26)
Article 49 for the purpose only of commencing paragraph 3 of Schedule 3	1st March 2005	SR 2005 No.44 (C.4)
Article 50 (1) and Schedule (4) in so far as they relate to amendments to the Superannuation (Northern Ireland) Order 1972 and the Northern Ireland Assembly Disqualification Act 1975.	1st September 2003	SR 2003 No.348 (C.26)
Article 50 for the purposes of commencing certain provisions in Schedules 4 & 5	1st March 2005	SR 2005 No.44 (C.4)
Schedule 2	1st March 2005	SR 2005 No.44 (C.4)

Provision	*Date of Commencement*	*S.I. No.*
Schedule 3 paragraph (3)	1st March 2005	SR 2005 No.44 (C.4)
Schedule 4 in so far as it relates to- The Health and Personal Social Services (Northern Ireland) Order 1972; The Mental Health (Northern Ireland) Order 1986; The Adoption (Northern Ireland) Order 1987 only in so far as it relates to amendments to Article 33 (2) (a) (ii) of the Order); The Disabled Persons (Northern Ireland) Act 1989; The Children (Northern Ireland) Order 1995, except in so far as it applies to amendments to Article 149 (5); The Commissioner for Complaints (Northern Ireland) Order 1996; The Health and Personal Social Services Act (Northern Ireland) 2001; The Justice (Northern Ireland) Act 2002; The Protection of Children and Vulnerable Adult (Northern Ireland) Order 2003	1st March 2005	SR 2005 No.44 (C.4)
In Schedule 5 in so far as it relates to – The Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971; The Nurses, Midwives and Health Visitors Act 1979; The Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981; The Registered Homes (Northern Ireland) Order 1992; The Children (Northern Ireland) Order 1995; The Arbitration Act 1996 ; The Nurses Midwives and Health Visitors Act 1997; The Health and Personal Social Services Act (Northern Ireland) 2001; The Justice (Northern Ireland) Act 2002; The Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003.	1st March 2005	SR 2005 No.44 (C.4)