

Status: Point in time view as at 03/12/2007.

Changes to legislation: There are currently no known outstanding effects for the Health and Personal Social Services Act (Northern Ireland) 2001, Cross Heading: Miscellaneous and supplemental. (See end of Document for details)



2001 CHAPTER 3

PART I

SOCIAL CARE WORKERS

Miscellaneous and supplemental

Appeals to the Social Care Tribunal

Subs. (1) rep. by 2003 NI 9

(2) An appeal against a decision of the Council under this Part in respect of registration shall lie to^[F1] the] Care Tribunal.

[^{F2}(2A) An appeal shall lie to the Care Tribunal against a decision of the Council under Part 3 of the General Systems Regulations in respect of an aptitude test, or period of adaptation, in connection with a person's becoming permitted, by virtue of that Part of those Regulations, to have access to, and to pursue, the profession of social worker in the United Kingdom.]

(3) On an appeal against a decision,^[F1] the] Care Tribunal may confirm the decision or direct that it shall not have effect.

(4) [^{F1}The] Care Tribunal shall also have power on an appeal against a decision—

- (a) to vary any condition for the time being in force in respect of the person to whom the appeal relates;
- (b) to direct that any such condition shall cease to have effect; or
- (c) to direct that any such condition as it thinks fit shall have effect in respect of that person.

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(5) The Council shall comply with any direction given by^[F1] the] Care Tribunal under this section.

Subs. (6)#(7) rep. by 2003 NI 9

F1 2003 NI 9

F2 S. 15(2A) inserted (3.12.2007) by European Qualifications (Health and Social Care Professions) Regulations 2007 (S.I. 2007/3101), regs. 1(2), 254

Publication, etc. of register

16.—(1) The Council shall publish the register in such manner, and at such times, as it considers appropriate.

(2) Any person who asks the Council for a copy of, or of an extract from, the register shall be entitled to have one.

Cesser of functions of CCETSW

17. The Central Council for Education and Training in Social Work shall cease to exercise in relation to Northern Ireland the functions conferred on it by or under section 10 of the Health and Social Services and Social Security Adjudications Act 1983 (c. 41).

Rules

18.—(1) Rules made by the Council under this Part may make provision for the payment of reasonable fees to the Council in connection with the discharge of the Council's functions ^[F3], but subject to subsection (2A)].

(2) In particular, the rules may make provision for the payment of such fees in connection with—

- (a) registration (including applications for registration or for amendment of the register ^[F4], but subject to subsection (2A)]);
- (b) the approval of courses under section 10;
- (c) the provision of training;
- (d) the provision of copies of codes of practice or copies of, or extracts, from the register,

including provision requiring persons registered under this Part to pay a periodic fee to the Council of such amount, and at such time, as the rules may specify.

^[F5(2A)] Rules made by the Council under this Part may not make provision for the payment of fees in connection with registration in the visiting European part of the register.]

(3) No rules shall be made by the Council under this Part without the consent of the Department.

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- F3** Words in s. 18(1) inserted (3.12.2007) by [European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **255(a)**
- F4** Words in s. 18(2)(a) inserted (3.12.2007) by [European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **255(b)**
- F5** S. 18(2A) inserted (3.12.2007) by [European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **255(c)**

Default powers of Department

19.—(1) The powers conferred by this section are exercisable by the Department if it is satisfied that the Council—

- (a) has without reasonable excuse failed to discharge any of its functions; or
- (b) in discharging any of its functions, has without reasonable excuse failed to comply with any directions or guidance given by it under section 1(3) in relation to those functions.

(2) The Department may—

- (a) make an order declaring the Council to be in default; and
- (b) direct the Council to discharge such of its functions, and in such manner and within such period or periods, as may be specified in the direction.

(3) If the Council fails to comply with the Department's direction under subsection (2), the Department may—

- (a) discharge the functions to which the direction relates itself; or
- (b) make arrangements for any other person to discharge those functions on its behalf.

Ss. 20#21 rep. by 2003 NI 9

[^{F6} Interpretation of this Part

22. In this Part “child”, “children's home”, “day care setting”, “domiciliary care agency”, “nursing home”, “personal care”, “registered care home”, “residential family centre”, “school” and “undertaking” have the same meanings as in the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.]

F6 [2003 NI 9](#)

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