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## STATUTORY INSTRUMENTS

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# 2003 No. 431

## The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003

### PART IV

#### QUALITY OF HEALTH AND [F<sup>1</sup>social care]

##### Role of the [F<sup>1</sup>RQIA]

35.—(1) The [F<sup>1</sup>RQIA] shall have the following functions—

- (a) the function of conducting reviews of, and making reports on, arrangements by statutory bodies for the purpose of monitoring and improving the quality of the health and [F<sup>2</sup>social care] for which they have responsibility;
- (b) the function of carrying out investigations into, and making reports on, the management, provision or quality of the health and [F<sup>2</sup>social care] for which statutory bodies have responsibility;
- (c) the function of conducting reviews of, and making reports on, the management, provision or quality of, or access to or availability of, particular types of health and [F<sup>2</sup>social care] for which statutory bodies or service providers have responsibility;
- (d) the function of carrying out inspections of statutory bodies and service providers, and persons who provide or are to provide services for which such bodies or providers have responsibility, and making reports on the inspections; and
- (e) such functions as may be prescribed relating to the management, provision or quality of, or access to or availability of, services for which prescribed statutory bodies or prescribed service providers have responsibility.

(2) The inspections referred to in paragraph (1)(d) are to be carried out only in connection with the function referred to in paragraph (1)(c).

(3) If after carrying out—

- (a) a review under paragraph (1)(a);
- (b) an investigation under paragraph (1)(b);
- (c) any function equivalent to one referred to in sub-paragraph (a) or (b) prescribed under paragraph (1)(e); or
- (d) an inspection under paragraph (1)(d),

the [F<sup>1</sup>RQIA] is of the view referred to in paragraph (4) as to a body, service provider or other person reviewed, investigated or inspected (taking account, if appropriate, of any other relevant information the Authority may have), the [F<sup>1</sup>RQIA] must make a report of its view to the Department.

(4) The view referred to is that—

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**Changes to legislation:** *The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, Section 35 is up to date with all changes known to be in force on or before 23 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) the health and [F<sup>2</sup>social care] for which the body or service provider in question has responsibility are of unacceptably poor quality (whether generally or in particular areas); or
- (b) there are significant failings in the way the body, service provider or other person is being run (including, where the service provider or other person is an individual, the way his practice is being run).

(5) In its report, the [F<sup>1</sup>RQIA] may recommend that the Department take special measures in relation to the body or service provider in question with a view to improving the health and [F<sup>2</sup>social care] for which it is responsible or the way the body, service provider or other person (or, as mentioned in paragraph (4)(b), his practice), is being run.

(6) The report must give the [F<sup>1</sup>RQIA] 's reasons for its view, and for any recommendation under paragraph (5).

(7) For the purposes of this Article a person has responsibility for health and [F<sup>2</sup>social care]—

- (a) if he provides or is to provide those services to individuals; or
- (b) if another person provides or is to provide those services to individuals—
  - (i) at his direction,
  - (ii) on his behalf, or
  - (iii) in accordance with an agreement or arrangements made by him with that other person.

(8) References in paragraph (7) to the provision of health and [F<sup>2</sup>social care] include references to the provision of those services jointly with another person.

(9) In this Article—

“statutory body” means F<sup>3</sup>... an [F<sup>4</sup>HSC trust] or a special agency;

“statutory function” means a function conferred by or under any statutory provision.

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| <b>F1</b> | Words in Order substituted (11.4.2014) by Health and Social Care (Amendment) Act (Northern Ireland) 2014 (c. 5), <b>Sch. para. 1(1)(b)</b> (with Sch. para. 1(2))   |
| <b>F2</b> | Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), <b>Sch. 6 para. 1(1)(a)</b> (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, <b>art. 2</b> |
| <b>F3</b> | Words in art. 35(9) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), <b>Sch. 1 para. 201</b> ; S.R. 2022/102, art. 2(b)                                     |
| <b>F4</b> | Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), <b>Sch. 6 para. 1(1)(d)</b> (with Sch. 6 para. 1(3)); S.R. 2009/114, <b>art. 2</b>    |

**Changes to legislation:**

The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, Section 35 is up to date with all changes known to be in force on or before 23 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 15(2)(e)(f) substituted for art. 15(2)(e) by [2022 c. 18 \(N.I.\) Sch. 3 para. 62](#)