
STATUTORY INSTRUMENTS

2003 No. 431

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

PART VI

MISCELLANEOUS

Power to require information from establishments and agencies and power of entry and inspection

40.—(1) The Regulation and Improvement Authority may at any time require a person who carries on or manages an establishment or agency to provide it with any information relating to the establishment or agency which the Regulation and Improvement Authority considers it necessary or expedient to have for the purposes of its functions.

(2) A person authorised by the Regulation and Improvement Authority may at any time enter and inspect premises which are used, or which he has reasonable cause to believe to be used, as an establishment or for the purposes of an agency.

(3) A person authorised by virtue of this Article to enter and inspect premises may—

- (a) make any examination into the state and management of the premises and treatment of patients or persons accommodated or cared for there which he thinks appropriate;
- (b) inspect and take copies of any documents or records required to be kept in accordance with regulations under Part III, Article 10 of the [Adoption \(Northern Ireland\) Order 1987 \(NI 22\)](#), Article 27(2)(a) or 75(2) of the [Children \(Northern Ireland\) Order 1995 \(NI 2\)](#) or section 1(3) of the [Adoption \(Intercountry Aspects\) Act \(Northern Ireland\) 2001 \(c. 11\)](#);
- (c) interview in private the manager or the person carrying on the establishment or agency;
- (d) interview in private any person employed there;
- (e) interview in private any patient or person accommodated or cared for there who consents to be interviewed.

(4) The powers under paragraph (3)(b) include—

- (a) power to require the manager or the person carrying on the establishment or agency to produce any documents or records, wherever kept, for inspection on the premises; and
- (b) in relation to records which are kept by means of a computer, power to require the records to be produced in a form in which they are legible and can be taken away.

(5) Paragraph (6) applies where the premises in question are used as an establishment and the person so authorised—

- (a) is a medical practitioner or registered nurse; and
- (b) has reasonable cause to believe that a patient or person accommodated or cared for there is not receiving proper care.

(6) The person so authorised may, with the consent of the person mentioned in paragraph (5)(b), examine him in private and inspect any records relating to his care or treatment in the establishment.

The powers conferred by this paragraph may be exercised in relation to a person who is incapable of giving consent without that person's consent.

(7) The Department may by regulations require the Regulation and Improvement Authority to arrange for premises which are used as an establishment or for the purposes of an agency to be inspected on such occasions or at such intervals as may be prescribed.