
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 226 (C. 15)

HEALTH AND PERSONAL SOCIAL SERVICES

**The Health and Personal Social Services (2001 Act)
(Commencement No. 7) Order (Northern Ireland) 2005**

Made - - - - 26th April 2005

The Department of Health, Social Services and Public Safety⁽¹⁾ in exercise of the powers conferred upon it by sections 57(3) and 61(2) of the Health and Personal Social Services Act (Northern Ireland) 2001⁽²⁾ and of all other powers enabling it in that behalf hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Health and Personal Social Services (2001 Act) (Commencement No. 7) Order (Northern Ireland) 2005.

(2) In this Order “the Act” means the Health and Personal Social Services Act (Northern Ireland) 2001.

Appointed Days

2.—(1) 26th April 2005 is the day appointed for the coming into operation of section 8(6)(b) of the Act for the purpose only of the exercise of the power to make regulations.

(2) Subject to paragraph (3), 1st June 2005 is the day appointed for the coming into operation of section 8 of the Act (Registration – enforcement).

(3) In relation to any person who –

- (a) before 1st June 2005 had applied for registration under section 4(1) of the Act;
- (b) has not been refused under section 5(1) but whose application had not yet been granted under that subsection;

the day appointed for the coming into operation of section 8 of the Act is 1st December 2005.

(1) See S.I. 1999/283 (N.I. 1) Article 3(6)
(2) 2001 c. 3 (N.I.)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 26th April 2005.

L.S.

Paul Martin
Senior Officer of the
Department of Health, Social Services and
Public Safety

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation –

- on 26th April 2005, section 8(6)(b) of the Health and Personal Social Services Act (Northern Ireland) 2001 (“the 2001 Act”) for the purpose of making regulations which will prescribe the registers maintained under legislation in England, Wales and Scotland which correspond to the provisions of the 2001 Act under which the register is maintained by the Northern Ireland Social Care Council.
- on 1st June 2005, in so far as it is not already in operation, section 8 of the Act which:
 - (a) provides for the protection of the title “social worker” by the creation of an offence, punishable by a fine of up to level 5 on the standard scale, for a person who is not registered as a social worker to use that title or hold himself out as a registered social worker with an intention to deceive. An individual will not be guilty of an offence if they are registered with an equivalent regulatory body in another part of the UK; and
 - (b) enables the Department to make regulations to prohibit persons from working in certain categories of employment unless they are registered in an appropriate part of a relevant register.

The order also makes transitional provision in relation to those persons who have applied for registration before 1st June 2005 and have not been refused, but whose application has not yet been granted by the Northern Ireland Social Care Council.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Health and Personal Social Services Act (Northern Ireland) 2001 have been brought into operation by the Health and Personal Social Services (2001 Act) (Commencement No. 1) Order (Northern Ireland) 2001 ([S.R. 2001 No. 128 \(C. 5\)](#)):

<i>Provision</i>	<i>Date of Commencement</i>
Sections 23 to 38	2nd April 2001
Section 41 to 47	2nd April 2001
Section 50 to 52	2nd April 2001
Section 56 and Schedule 4	2nd April 2001
Section 60(3) and Schedule 5 (partially), in so far as the repeals in that Schedule are relevant to the above provisions	2nd April 2001
Sections 1(1), (3) and (4)	1st June 2001
Section 2 and Schedule 1	1st June 2001

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<i>Provision</i>	<i>Date of Commencement</i>
Sections 6, 7, 9, 10, 12, 13 and 18 (so far as necessary to allow the Council to make rules and prepare codes of practice)	1st June 2001
Sections 20 to 22	1st June 2001
Sections 54(1) and (2)	1st June 2001
Sections 53 and 55, and Schedule 3	2nd July 2001

The following provisions of the Health and Personal Social Services Act (Northern Ireland) 2001 have been brought into operation by the Health and Personal Social Services (2001 Act) (Commencement No. 2) Order (Northern Ireland) 2001 ([S.R. 2001 No. 324 \(C. 16\)](#)):

<i>Provision</i>	<i>Date of Commencement</i>
Section 1(2)	1st October 2001
Sections 4 and 5 (for the purpose only of the exercise of any power of the Council to make rules)	1st October 2001
Sections 14, 17 and 19	1st October 2001
Section 54(3)	1st November 2001

The following provisions of the Health and Personal Social Services Act (Northern Ireland) 2001 have been brought into operation by the Health and Personal Social Services (2001 Act) (Commencement No. 3) Order (Northern Ireland) 2002 ([S.R. 2002 No. 73 \(C. 6\)](#)):

<i>Provision</i>	<i>Date of Commencement</i>
Section 39 (repeal of law about fund-holding practices)	1st April 2002
Schedule 5 (partially)	1st April 2002

The following provisions of the Health and Personal Social Services Act (Northern Ireland) 2001 have been brought into operation by the Health and Personal Social Services (2001 Act) (Commencement No. 4) Order (Northern Ireland) 2002 ([S.R. 2002 No. 180 \(C. 17\)](#)):

<i>Provision</i>	<i>Date of Commencement</i>
Section 48	10th June 2002

The following provisions of the Health and Personal Social Services Act (Northern Ireland) 2001 have been brought into operation by the Health and Personal Social Services (2001 Act) (Commencement No. 5) Order (Northern Ireland) 2003 ([S.R. 2003 No. 69 \(C. 6\)](#)):

<i>Provision</i>	<i>Date of Commencement</i>
Section 3, 11, 15 and 16	1st April 2003
Sections 4 to 7, 9, 10, 12, 13 and 18 in so far as they are not already in operation	1st April 2003

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The following provisions of the Health and Personal Social Services Act (Northern Ireland) 2001 have been brought into operation by the Health and Personal Social Services (2001 Act) (Commencement No. 6) Order (Northern Ireland) 2004 ([S.R. 2004 No. 107 \(C. 2\)](#)):

<i>Provision</i>	<i>Date of Commencement</i>
Section 49 (Disqualification of Part VI Practitioners)	1st April 2004
Schedule 2 (Schedule 11 to the principal Order as substituted)	1st April 2004