
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 234

The Day Care Setting Regulations (Northern Ireland) 2007

PART II

REGISTERED PERSONS

Fitness of registered provider

- 8.—**(1) A person shall not carry on a day care setting unless he is fit to do so.
- (2) A person is not fit to carry on a day care setting unless the person—
- (a) is an individual who carries on the day care setting—
 - (i) otherwise than in partnership with others, and satisfies the requirements set out in paragraph (3);
 - (ii) in partnership with others, and he and each of his partners satisfies the requirements set out in paragraph (3);
 - (b) is a partnership and each of the partners satisfies the requirements set out in paragraph (3);
 - (c) is an organisation and—
 - (i) the organisation has given notice to the [^{F1}RQIA] of the name, address and position in the organisation of an individual who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the day care setting; and
 - (ii) that individual satisfies the requirements set out in paragraph (3).
- (3) The requirements are that—
- (a) he is of integrity and good character;
 - (b) he is physically and mentally fit to carry on the day care setting; and
 - (c) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2.
- (4) A person shall not carry on a day care setting if—
- (a) he has been adjudged bankrupt or sequestration of his estate has been awarded and (in either case) he has not been discharged and the bankruptcy order has not been annulled or rescinded; or
 - [^{F2}(ab) he is the subject of a bankruptcy restrictions order; or]
 - [^{F3}(ac) he is a person in relation to whom a moratorium period under a debt relief order applies or he is the subject of a debt relief restrictions order ; or]
 - (b) he has made a composition or arrangement with his creditors and has not been discharged in respect of it.

- F1** Words in *Regulations* substituted (11.4.2014) by *Health and Social Care (Amendment) Act (Northern Ireland) 2014 (c. 5), Sch. para. 1(1)(a)* (with Sch. para. 1(2))
- F2** Reg. 8(4)(ab) inserted (21.4.2015) by *The Insolvency (Northern Ireland) Order 2005 (Consequential Amendments) Order (Northern Ireland) 2015 (S.R. 2015/159), art. 1, Sch. para. 41(3)*
- F3** Reg. 8(4)(ac) inserted (7.3.2016) by *The Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/108), art. 1, Sch. para. 48(3)*

Commencement Information

- I1** Reg. 8 in operation at 30.4.2007, see [reg. 1](#)

Appointment of manager

9.—(1) The registered provider shall appoint an individual to manage the day care setting where—

- (a) there is no registered manager in respect of the day care setting; and
- (b) the registered provider—
 - (i) is an organisation or partnership;
 - (ii) is not a fit person to manage a day care setting; or
 - (iii) is not, or does not intend to be managing the day care setting himself.

(2) Where the registered provider appoints a person to manage the day care setting he shall forthwith give notice to the ^[F1]RQIA of—

- (a) the name of the person so appointed; and
- (b) the date on which the appointment is to take effect.

- F1** Words in *Regulations* substituted (11.4.2014) by *Health and Social Care (Amendment) Act (Northern Ireland) 2014 (c. 5), Sch. para. 1(1)(a)* (with Sch. para. 1(2))

Commencement Information

- I2** Reg. 9 in operation at 30.4.2007, see [reg. 1](#)

Fitness of registered manager

10.—(1) A person shall not manage a day care setting unless he is fit to do so.

(2) A person is not fit to manage a day care setting unless—

- (a) he is of integrity and good character;
- (b) having regard to the size of the day care setting, the statement of purpose, and the number and needs of the service users—
 - (i) he has the qualifications, skills and experience necessary for managing the day care setting; and
 - (ii) he is physically and mentally fit to manage the day care setting; and
 - ^[F4](iii) subject to head (iv), he is registered in the relevant part of the register;
 - (iv) head (iii) does not apply to a person who, in order to perform the duties for which the person is so employed is required by any statutory provision, other than this statutory provision to be registered with any person or body other than the Northern Ireland Social Care Council and is so registered; and]

- (c) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2.

F4 Reg. 10(2)(b)(iii)(iv) inserted (21.10.2013) by [The Northern Ireland Social Care Council \(Social Care Workers Prohibition\) and Fitness of Workers Regulations \(Northern Ireland\) 2013 \(S.R. 2013/225\)](#), regs. 1, **12(3)**

Commencement Information

I3 Reg. 10 in operation at 30.4.2007, see [reg. 1](#)

Registered person: general requirements

11.—(1) The registered provider and the registered manager shall, having regard to the size of the day care setting, the statement of purpose, and the number and needs of the service users, carry on or (as the case may be) manage the day care setting with sufficient care, competence and skill.

(2) If the registered provider is—

- (a) an individual, he shall undertake;
- (b) an organisation, it shall ensure that the responsible individual undertakes;
- (c) a partnership, it shall ensure that one of the partners undertakes;

from time to time such training as is appropriate to ensure that he has the experience and skills necessary for carrying on the day care setting.

(3) The registered manager shall undertake from time to time such training as is appropriate to ensure that he has the experience and skills necessary for managing the day care setting.

Commencement Information

I4 Reg. 11 in operation at 30.4.2007, see [reg. 1](#)

Notification of offences

12. Where the registered person or the responsible individual is convicted of any criminal offence, in Northern Ireland or elsewhere, he shall forthwith give notice in writing to the [F1RQIA] of—

- (a) the date and place of the conviction;
- (b) the offence of which he was convicted; and
- (c) the penalty imposed on him in respect of the offence.

F1 Words in [Regulations](#) substituted (11.4.2014) by [Health and Social Care \(Amendment\) Act \(Northern Ireland\) 2014 \(c. 5\)](#), [Sch. para. 1\(1\)\(a\)](#) (with [Sch. para. 1\(2\)](#))

Commencement Information

I5 Reg. 12 in operation at 30.4.2007, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Day Care Setting Regulations (Northern Ireland) 2007, PART II.