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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 288 (C. 15)**

**HEALTH AND PERSONAL SOCIAL SERVICES**

**The Health and Personal Social Services (Quality, Improvement and Regulation) (2003 Order) (Commencement No.5 and Transitional Provisions) Order (Northern Ireland) 2010**

*Made - - - - 3rd September 2010*

The Department of Health, Social Services and Public Safety, in exercise of the powers conferred by Articles 1 (3) and 48 (2) of the Health and Personal Social Services (Quality, Improvement and Regulations) (Northern Ireland) Order 2003 (1), makes the following order:

**Citation and Interpretation**

1.—(1) This order may be cited as the Health and Personal Social Services (Quality, Improvement and Regulation) (2003 Order) (Commencement No.5 and Transitional Provisions) Order (Northern Ireland) 2010.

(2) In this Order—

“the 2003 order” means the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.

**Appointed day**

2. Subject to the remaining provisions of the Order, 3<sup>rd</sup> September 2010 is the appointed day for coming into operation of the provisions of the Order specified in Schedule 2 for the purposes only of making of the regulations.

3. 29<sup>th</sup> October 2010 is the appointed day for the coming into operation of the provision of the 2003 Order as described in Schedule I, in so far as they are not already in operation.

**Deemed registration**

4. Where on 29<sup>th</sup> October 2010, a person who carries on or manages a voluntary adoption agency, which was immediately before the commencement date registered under Article 4 of the Adoption

(Northern Ireland) 1987 (2) as an adoption society, that person is to be treated for all purposes, as if he had been registered under Part III of the 2003 Order on that date.

**Duration of deeming**

5. Where a person is deemed to be registered under Article 4, registration shall cease to have effect—

- (a) where the person carrying on or managing a voluntary adoption agency has before 31<sup>st</sup> December 2010 made an application for registration under Article 13 (1) of the 2003 Order, on 1<sup>st</sup> April 2011; or
- (b) in any other case on 31<sup>st</sup> December 2010.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 3rd September 2010.



*J.F.Livingstone*  
A senior officer of the  
Department of Health, Social Services and  
Public Safety

## SCHEDULE 1

### Provisions of the Order Coming into Operation on 29<sup>th</sup> October 2010

<i>Provision of the Order</i>	<i>Subject Matter</i>	<i>Purposes</i>
In Article 8 Paragraph (2) (e)	– Regulated establishments and agencies: general interpretation	All Purposes
In Article 15 Paragraph (2) (e)	– Cancellation of registration	All Purposes
In Article 40 Paragraph (3) (b)	– Power to require information from establishments and agencies and power of entry and inspection	All Purposes
In Schedule 4	Amendments	In so far as it relates to – The Adoption (Northern Ireland) Order 1987 (N.I. 22) not already commenced. In so far as it relates to —  The Adoption Inter-country Aspects Act (Northern Ireland) 2001
In Schedule 5	Repeals	In so far as it relates to – The Adoption (Northern Ireland) Order 1987 (N.I. 22). In so far as it relates to the Adoption Inter-country Aspects Act (Northern Ireland) 2001

## SCHEDULE 2

### Provisions of the Order Coming into Operation on 3<sup>rd</sup> September 2010 for the purposes only of the making of the regulations.

<i>Provisions of the Order</i>	<i>Subject Matter</i>	<i>Purposes</i>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
Schedule 4 amendments inserting Article 10 (1A) of the Adoption (Northern Ireland) Order 1987	Regulation of adoption agencies – amendments to the Adoption (Northern Ireland) Order 1987	For the purposes of authorising the monitoring of regulations.

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

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into operation on 29<sup>th</sup> October 2010, further provisions of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (“the 2003 Order”) as set out in Article 2 (3) and Schedule 1.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Article 3	1 <sup>st</sup> September 2003	SR 2003 No. 348 (C.26)
Article 4	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Article 5	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Article 6	1 <sup>st</sup> September 2003	SR 2003 No.348 (C.26)
Article 7	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Article 8 Paragraphs (1) (a), (c), (d), (e), (f) & (h). Para (2) (c), (d) and (f). Para (3) & (4)	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Article 8 – Paragraphs (1) (b) and (g). Paragraph (2) (a)	30 <sup>th</sup> April 2007	SR 2007 No.220 (C.13)
Articles 9 – 14	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Article 15 Paragraphs (1), (2) (a) to (d) & (3)	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Articles 16 – 33	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Article 34	25 <sup>th</sup> April 2003	SR 2003 No.239 (C.18)
Article 35	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Article 38 Paragraphs (1), (2) & (3)	1 <sup>st</sup> September 2003	SR 2003 No.348 (C.26)
Article 38 Paragraph (4)	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Article 39	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Article 40 Paragraph (1), (2) & (3) (a)	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Article 40 Paragraph (3) (b) in so far as it relates to the requirements under regulations under Part III	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Article 40 Paragraph (3) (c) to (e), (4) to (7)	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Article 41 – 43	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Article 44	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Article 45	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Article 46	25 <sup>th</sup> April 2003	SR 2003 No. 239 (C.18)
Article 47	25 <sup>th</sup> April 2003	SR 2003 No. 239 (C.18)
Article 48	1 <sup>st</sup> September 2003	SR 2003 No.348 (C.26)
Article 49 for the purpose only of commencing paragraph 3 of Schedule 3	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Article 50 (1) and Schedule (4) in so far as they relate to amendments to the Superannuation (Northern Ireland) Order 1972 and the Northern Ireland Assembly Disqualification Act 1975	1 <sup>st</sup> September 2003	SR 2003 No.348 (C.26)
Article 50 for the purposes of commencing certain provisions in Schedules 4 & 5	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Schedule 2	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Schedule 3 paragraph (3)	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)
Schedule 4 in so far as it relates to – The Health and Personal Social Services (Northern Ireland) Order 1972; The Mental Health (Northern Ireland) Order 1986; The Adoption (Northern Ireland) Order 1987 only in so far as it relates to amendments to Article 33 (2) (a) (ii) of the Order; The Disabled Persons (Northern Ireland) Act 1989; The Children (Northern Ireland) Order 1995, except in so far as it applies to amendments to Article 149 (5);	1 <sup>st</sup> March 2005	SR 2005 No. 44 (C.4)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
The Commissioner for Complaints (Northern Ireland) Order 1996; The Health and Personal Social Services Act (Northern Ireland) 2001; The Justice (Northern Ireland) Act 2002; The Protection of Children and Vulnerable Adult (Northern Ireland) Order 2003		
In Schedule 5 in so far as it relates to – The Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971; The Nurses, Midwives and Health Visitors Act 1979; The Employment (Miscellaneous Provisions) (Northern Ireland) Order 1981; The Registered Homes (Northern Ireland) Order 1992; The Children (Northern Ireland) Order 1995; The Arbitration Act 1996; The Nurses, Midwives and Health Visitors Act 1997; The Health and Personal Social Services (Northern Ireland) Act 2001; The Justice (Northern Ireland) Act 2002; The Protection of Children and Vulnerable Adult (Northern Ireland) Order 2003	1 <sup>st</sup> March 2005	<a href="#">SR 2005 No. 44 (C.4)</a>