
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 355 (C. 27)

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Quality, Improvement and Regulation) (2003 Order) (Commencement No.6 and Transitional Provisions) Order (Northern Ireland) 2016

Made - - - - 27th September 2016

The Department of Health, in exercise of the powers conferred by Articles 1(3) and 48(2) of the Health and Personal Social Services (Quality, Improvement and Regulation) (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.6 and Transitional Provisions) Order (Northern Ireland) 2016.

(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 Article 3, 3 October 2016 shall be the appointed day for coming into operation of the following provisions of the Order in so far as they are not already in operation—

- (a) Article 8 (Regulated establishments and agencies: general interpretation)
- (b) Schedule 4 (Amendments).

Transitional Provisions

3.—(1) This Article applies to persons who, by virtue of the provisions of the 2003 Order are required to be registered, in respect of a fostering agency, under Part III of that Order but who immediately prior to 3 October 2016 were not required to be so registered.

(2) Where paragraph (1) applies, a person who immediately prior to 3 October 2016 was carrying on or managing a fostering agency may continue to manage the agency—

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- (a) during a period of 6 months beginning on and including 3 October 2016; and
 - (b) if within that period an application is made to the RQIA for registration under Part III of the 2003 Order, until that application is finally disposed of or withdrawn.
- (3) Where paragraph (2) applies, Article 12 (1), (4), and (5) of the 2003 Order shall not apply to such a person.
- (4) In this Article, “finally disposed of” means the date 28 days following the grant or refusal of registration and, if an appeal is made, the date when the appeal is finally determined or abandoned.

Sealed with the Official Seal of the Department of Health on 27th September 2016



Dr Paddy Woods
A senior officer of the
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 3 October 2016 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 to enable regulation of fostering agencies by the RQIA.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R No.</i>
Article 3	1 st September 2003	SR 2003 No.348 (C.26)
Article 4	1 st April 2005	SR 2005 No.44 (C.4)
Article 5	1 st April 2005	SR 2005 No.44 (C.4)
Article 6	1 st September 2003	SR 2003 No.348 (C.26)
Article 7	1 st April 2005	SR 2005 No.44 (C.4)
Article 8 Paras (1) (a), (c), (d), (e), (f) and (h). Para (2) (c), (d) and (f). Para (3) and (4)	1 st April 2005	SR 2005 No.44 (C.4)
Article 8 – Paragraphs (1) (b) and (g). Paragraph (2) (a)	30 th April 2007	SR 2007 No.220 (C.13)
Article 8 – Paragraph 2 (e)	29 th October 2010	S.R. 2010 No. 288 (C.15)
Articles 9 to 14	1 st April 2005	SR 2005 No.44 (C.4)
Article 15 Paras (1), (2) (a) to (d) and (3)	1 st April 2005	SR 2005 No.44 (C.4)
Article 15 Para 2 (e)	29 th October 2010	SR 2010 No.288 (C.15)
Articles 16 – 33	1 st April 2005	SR 2005 No.44 (C.4)
Article 34	25 th April 2003	SR 2003 No.239 (C.18)
Article 35	1 st April 2005	SR 2005 No.44 (C.4)
Article 38 Para (1), (2) and (3)	1 st September 2003	SR 2003 No.348 (C.26)
Article 38 Para (4)	1 st April 2005	SR 2005 No.44 (C.4)
Article 39	1 st April 2005	SR 2005 No.44 (C.4)
Article 40 Para (1), (2) and (3) (a)	1 st April 2005	SR 2005 No.44 (C.4)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R No.</i>
Article 40 Para (3) (b) in so far as it relates to the requirements under regulations under Part III	1 st April 2005	SR 2005 No.44 (C.4)
Article 40 Para (3) (b)	29 th October 2010	SR 2010 No.288 (C.15)
Article 40 Para (3) (c) to (e), (4) to (7)	1 st April 2005	SR 2005 No.44 (C.4)
Article 41 to 43	1 st April 2005	SR 2005 No.44 (C.4)
Article 44	1 st April 2005	SR 2005 No.44 (C.4)
Article 45	1 st April 2005	SR 2005 No.44 (C.4)
Article 46	25 th April 2003	SR 2003 No.239 (C.18)
Article 47	25 th April 2003	SR 2003 No.239 (C.18)
Article 48	1 st September 2003	SR 2003 No.348 (C.26)
Article 49 for the purpose only of commencing paragraph 3 of Schedule 3	1 st April 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 st September 2003	SR 2003 No.348 (C.26)
Article 50 for the purposes of commencing certain provisions in Schedules 4 & 5	1 st April 2005	SR 2005 No.44 (C.4)
Schedule 2	1 st April 2005	SR 2005 No.44 (C.4)
Schedule 3 paragraph (3)	1 st April 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	1 st April 2005	SR 2005 No.44 (C.4)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R No.</i>
to amendments to Article 149 (5); 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		
Schedule 4 in so far as it relates to – the Adoption (Northern Ireland) Order 1987 (N.I.22) not previously commenced. In so far as it relates to the Adoption Inter-country Aspects Act (Northern Ireland) 2001	29 th October 2010	SR 2010 No.288 (C.15)
Schedule 4 amendments inserting Article 10 (1A) of the Adoption (Northern Ireland) Order 1987 for the purposes of making the regulations	3 rd September 2010	SR 2010 No.288 (C.15)
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 Act (Northern Ireland) 2001; The Justice (Northern Ireland) Act 2002; The Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003.	1 st April 2005	SR 2005 No.44 (C.4)
Schedule 5 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	29 th October 2010	SR 2010 No. 288 (C.15)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R No.</i>
Aspects Act (Northern Ireland) 2001		