
STATUTORY INSTRUMENTS

1985 No. 1775 (N.I. 19)

NORTHERN IRELAND

**The Nursing Homes and Nursing Agencies
(Northern Ireland) Order 1985**

Laid before Parliament in draft

Made 18th November 1985

Coming into Operation 19th January 1986

At the Court at Buckingham Palace, the 18th day of November 1985

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1974 c. 28

Title and commencement

1.—(1) This Order may be cited as the Nursing Homes and Nursing Agencies (Northern Ireland) Order 1985.

(2) This Order shall come into operation on the expiration of 2 months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

1954 c. 33 (N.I.)

(2) In this Order "the Nursing Homes and Nursing Agencies Act" means the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971.

1971 c. 32 (N.I.)

Records

3. At the end of section 6(1)(c)(iv) of the Nursing Homes and Nursing Agencies Act there shall be added the words—

- “(v) any surgical operation performed in a nursing home;
- (vi) any occasion on which a specially controlled technique is used in a nursing home;”.

Control over certain treatments

4. In section 10 of the Nursing Homes and Nursing Agencies Act—

(a) in subsection (1)—

- (i) in the definition of “maternity home” for the words “and intended” there shall be substituted the words “or intended”;
- (ii) in the definition of “nursing home” for the words from the beginning to “not include—” there shall be substituted the words—

“‘nursing home’ means—

- (i) any premises used, or intended to be used, for the reception of, and the provision of nursing for, persons suffering from any sickness, injury or infirmity;
- (ii) any maternity home; and
- (iii) any premises not falling within paragraph (i) or (ii) which are used, or intended to be used, for the provision of treatment by a specially controlled technique;

but does not include—”;

(iii) at the end there shall be added the following definitions—

“‘specially controlled technique’ means any technique of medicine or surgery (including cosmetic surgery) as to which the Department is satisfied that its use may create a hazard for persons treated by means of it or for the staff of any premises where the technique is used and which is specified as subject to control for the purposes of this Part by order made by the Department subject to negative resolution;

‘treatment’ includes diagnosis.”;

(b) At the end there shall be added the following subsection—

“(3) An order specifying a technique as subject to control for the purpose of this Part may—

- (a) define a technique by reference to any criteria which the Department considers appropriate;

- (b) make such incidental or supplemental provision as the Department considers appropriate.”.

G. I. de Deney,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order—

- (a) enables the Department of Health and Social Services to specify techniques of medicine or surgery, the use of which may create a hazard, as subject to control;
- (b) extends the registration requirement for nursing homes to premises used for the provision of treatment by a specially controlled technique; and
- (c) enables that Department to require records to be kept of the use of such techniques.