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STATUTORY INSTRUMENTS

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**1992 No. 3204**

**The Registered Homes (Northern Ireland) Order 1992**

**PART II**

**RESIDENTIAL CARE HOMES**

*Requirement of registration*

4.—(1) Subject to paragraphs (3) and (4), any person who carries on a residential care home without being registered under this Part in respect of it shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Where the manager or intended manager of a residential care home is not in control of it (whether as owner or otherwise) both the manager or intended manager and the person in control are to be treated as carrying on or intending to carry on the home and accordingly as requiring to be registered under this Part.

(3) Where—

- (a) one person only is registered under this Part in respect of a residential care home; and
- (b) that person dies,

his personal representatives or his widow or any other relative of his may for a period not exceeding 4 weeks from his death, or such longer period as the Board may sanction, carry on the home without being registered in respect of it.

(4) Registration under this Part is not required in respect of a small home—

- (a) if the only persons for whom it provides or is intended to provide residential accommodation with both board and personal care are persons carrying on or intending to carry on the home or employed or intended to be employed there or their relatives; or
- (b) in such other cases as may be prescribed.

(5) In this Order a “small home” means an establishment which provides or is intended to provide residential accommodation with both board and personal care for fewer than 4 persons, excluding persons carrying on or intending to carry on the home or employed or intended to be employed there and their relatives.

(6) The references in paragraphs (4) and (5) to the persons for whom residential accommodation is or is intended to be provided relate only to persons who are in need of personal care by reason of any of the matters mentioned in Article 3(1)(a) to (d).

(7) A person who—

- (a) is required to be registered under this Part in respect of a small home; and
- (b) is registered under Part III in respect of the same premises,

may apply to be registered under this Part as if the home were not a small home.

(8) If he does so the provisions of this Part have effect as in relation to a home which is not a small home.

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

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(9) Registration under Part III does not affect any requirement to register under this Part.