
STATUTORY INSTRUMENTS

1992 No. 3204

The Registered Homes (Northern Ireland) Order 1992

PART I
INTRODUCTORY

Title and commencement

- 1.—(1) This Order may be cited as the Registered Homes (Northern Ireland) Order 1992.
- (2) Except as provided by paragraph (3), this Order shall come into operation on such day or days as the Head of the Department may by order appoint.
- (3) The following provisions shall come into operation on the expiration of 2 months from the day on which this Order is made, namely—
- (a) paragraph 2(1) and (2) of Schedule 1 and Article 37 so far as relating thereto; and
 - (b) in Schedule 2 the entries relating to Article 71(1) and (3) of the Health and Personal Social Services (Northern Ireland) Order 1972(1) and to the amendment to Article 71(1) of that Order in Part II of Schedule 5 to the Health and Personal Social Services (Northern Ireland) Order 1991(2), and Article 38 so far as relating thereto.
- (4) An order under paragraph (2) may contain such transitional provisions and savings (whether or not involving the modification of any statutory provision) as appear to the Head of the Department necessary or expedient in connection with the provisions brought into operation.

Interpretation

- 2.—(1) The Interpretation Act (Northern Ireland) 1954(3) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.
- (2) In this Order—
- “Board” means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972 and references to “the Board”, in relation to a residential care home or nursing home, are references to the Board for the area in which that home is situated;
- “the Department” means the Department of Health and Social Services;
- “government department” means a department of the Government of the United Kingdom or a Northern Ireland department;
- “HSS trust” means a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991(4);

(1) 1972 NI 14
(2) 1991 NI 1
(3) 1954 c. 33 (N.I.)
(4) 1991 NI 1

“maternity home” means any premises used, or intended to be used, for the reception of pregnant women, or of women immediately after childbirth;

“medical practitioner” means a fully registered person within the meaning of the Medical Act 1983(5);

“nursing home” has the meaning given by Article 16;

“personal care” has the meaning given by Article 3(4);

“prescribed” means prescribed by regulations;

“registered”, in relation to nurses or midwives, has the meaning given by section 10(7) of the Nurses, Midwives and Health Visitors Act 1979(6);

“regulations” means regulations made by the Department;

“relative” shall be construed in accordance with paragraphs (3) to (6);

“residential care home” has the meaning given by Article 3;

“small home” has the meaning given by Article 4(5);

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954(7).

(3) Subject to paragraphs (4) to (6), in this Order “relative” means any of the following—

- (a) husband or wife;
- (b) son or daughter;
- (c) father or mother;
- (d) brother or sister;
- (e) grandparent or other ascendant;
- (f) grandchild or other descendent;
- (g) uncle or aunt;
- (h) nephew or niece.

(4) In deducing any relationship for the purposes of paragraph (3)—

- (a) any relationship by affinity shall be treated as a relationship by consanguinity, any relationship of the half-blood as a relationship of the whole blood, and the stepchild of any person as his child; and
- (b) an illegitimate person shall be treated as the legitimate child of his mother and reputed father.

(5) In paragraph (3) “husband” and “wife” include a person who is living with a person carrying on or intending to carry on a residential care home or nursing home as that person’s husband or wife, as the case may be, and who has been so living for a period of not less than 6 months.

(6) A person, other than a relative, with whom a person carrying on or intending to carry on a residential care home or nursing home ordinarily resides, and with whom that person has been ordinarily residing for a period of not less than 5 years, shall be treated for the purposes of this Order as if he were a relative.

(5) 1983 c. 54
(6) 1979 c. 36
(7) 1954 c. 33 (N.I.)