
STATUTORY INSTRUMENTS

2003 No. 431

The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003

PART VI

MISCELLANEOUS

Power to require information from inspections relating to [^{F1}HSC trusts, special agencies and service providers] and powers of entry and inspection

41.—(1) The [^{F2}RQIA] may at any time require [^{F3}an][^{F4}HSC trust] or special agency (in this Article referred to as an “HSS body”) or service provider to provide it with any information which the [^{F2}RQIA] considers it necessary or expedient to have for the purposes of its functions.

(2) Subject to paragraph (3), a person authorised by the [^{F2}RQIA] may at any time—

- (a) enter and inspect premises which are used by an HSS body or service provider; and
- (b) inspect and take copies of any documents or records.

(3) If the person is authorised only for the purposes of functions under Article 35(1)(a), (c) or (e) (reviews etc.), he shall enter the premises only—

- (a) after giving reasonable notice to the HSS body or service provider;
- (b) at a reasonable time; and
- (c) if the premises are wholly or partly used as residential accommodation by persons employed by the HSS body or service provider, after obtaining the consent of those persons.

(4) A person authorised by virtue of this Article to enter and inspect premises may—

- (a) make any examination into the state and management of the premises and treatment of patients or persons accommodated or cared for there which he thinks appropriate;
- (b) interview in private any person employed by an HSS body or service provider;
- (c) interview in private any person employed to provide services to an HSS body;
- (d) interview in private any patient or person accommodated or cared for there who consents to be interviewed.

(5) The powers under paragraph (2)(b) include—

- (a) power to require an HSS body or service provider to produce any documents or records, wherever kept, for inspection on the premises; and
- (b) in relation to records which are kept by means of a computer, power to require the records to be produced in a form in which they are legible and can be taken away.

(6) Paragraph (7) applies where a person authorised by the [^{F2}RQIA] —

- (a) is a medical practitioner or registered nurse; and

Changes to legislation: *The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, Section 41 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) has reasonable cause to believe that a patient or person accommodated or cared for on premises used by an HSS body or service provider is not receiving proper care or treatment.

(7) The person so authorised may, with the consent of the person mentioned in paragraph (6)(b), examine him in private and inspect any records relating to his care or treatment there. The powers conferred by this paragraph may be exercised in relation to a person who is incapable of giving consent without that person's consent.

(8) The Department may by regulations require the [F2RQIA] to arrange for premises which are used by an HSS body or service provider to be inspected on such occasions or at such intervals as may be prescribed.

- | |
|--|
| <p>F1 Words in art. 41 heading substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 205(b); S.R. 2022/102, art. 2(b)</p> <p>F2 Words in Order substituted (11.4.2014) by Health and Social Care (Amendment) Act (Northern Ireland) 2014 (c. 5), Sch. para. 1(1)(b) (with Sch. para. 1(2))</p> <p>F3 Word in art. 41(1) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 205(a); S.R. 2022/102, art. 2(b)</p> <p>F4 Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 1(1)(d) (with Sch. 6 para. 1(3)); S.R. 2009/114, art. 2</p> |
|--|

Changes to legislation:

The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, Section 41 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 15(2)(e)(f) substituted for art. 15(2)(e) by [2022 c. 18 \(N.I.\) Sch. 3 para. 62](#)