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STATUTORY INSTRUMENTS

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**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 Boards and HSS trusts, etc. and powers of entry and inspection**

**41.**—(1) The Regulation and Improvement Authority may at any time require a Health and Social Services Board, HSS trust or special agency (in this Article referred to as an “HSS body”) or service provider to provide it with any information which the Regulation and Improvement Authority considers it necessary or expedient to have for the purposes of its functions.

(2) Subject to paragraph (3), a person authorised by the Regulation and Improvement Authority 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 Regulation and Improvement Authority—

- (a) is a medical practitioner or registered nurse; and
  - (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 Regulation and Improvement Authority 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.