
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 174

**The Independent Health Care
Regulations (Northern Ireland) 2005**

PART VI

MISCELLANEOUS

Compliance with regulations

41. Where there is more than one registered person in respect of an establishment or agency, anything which is required under these Regulations to be done by the registered person shall, if done by one of the registered persons, not be required to be done by any of the other registered persons.

Offences

42.—(1) A contravention, or failure to comply with, any of the provisions of regulations 7, 8, 14, 15, 16(1) to (4), 17 to 32 and 34 to 40 shall be an offence.

(2) The Regulation and Improvement Authority shall not bring proceedings against a person in respect of any contravention of these regulations unless –

- (a) subject to paragraph (4), he is a registered person;
- (b) notice has been given to him in accordance with paragraph (3);
- (c) the period specified in the notice beginning with, and including the date of the notice has expired; and
- (d) the person contravenes any of the provisions of the regulations mentioned in the notice.

(3) Where the Regulation and Improvement Authority considers that the registered person has contravened any of the provisions of the regulations mentioned in paragraph (1), it may serve a notice on the registered person specifying –

- (a) in what respect in its opinion the registered person has contravened the requirements of any of the regulations;
- (b) what action, in the opinion of the Regulation and Improvement Authority, the registered person should take so as to comply with any of these regulations; and
- (c) the period, not exceeding three months beginning on and including the date on which the notice is given, within which the registered person should take action.

(4) The Regulation and Improvement Authority may bring proceedings against a person who was once, but no longer is a registered person, in respect of a failure to comply with regulation 21 and for this purpose, references in paragraphs (2) and (3) to a registered person shall be taken to include such a person.