STATUTORY RULES OF NORTHERN IRELAND

2016 No. 355 (C. 27)

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Quality, Improvement and Regulation) (2003 Order) (Commencement No.6 and Transitional Provisions) Order (Northern Ireland) 2016

Made - - - - 27th September 2016

The Department of Health, in exercise of the powers conferred by Articles 1(3) and 48(2) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (**1**), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Health and Personal Social Services (Quality, Improvement and Regulation) (2003 Order) (Commencement No.6 and Transitional Provisions) Order (Northern Ireland) 2016.

(2) In this Order—

"the 2003 Order" means the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.

Appointed day

2. Subject to Article 3, 3 October 2016 shall be the appointed day for coming into operation of the following provisions of the Order in so far as they are not already in operation—

(a) Article 8 (Regulated establishments and agencies: general interpretation)

(b) Schedule 4 (Amendments).

Transitional Provisions

3.—(1) This Article applies to persons who, by virtue of the provisions of the 2003 Order are required to be registered, in respect of a fostering agency, under Part III of that Order but who immediately prior to 3 October 2016 were not required to be so registered.

(2) Where paragraph (1) applies, a person who immediately prior to 3 October 2016 was carrying on or managing a fostering agency may continue to manage the agency—

(**1**) S.I. 2003/431 (N.I. 9)

(a) during a period of 6 months beginning on and including 3 October 2016; and

(b) if within that period an application is made to the RQIA for registration under Part III of the 2003 Order, until that application is finally disposed of or withdrawn.

(3) Where paragraph (2) applies, Article 12 (1), (4), and (5) of the 2003 Order shall not apply to such a person.

(4) In this Article, "finally disposed of" means the date 28 days following the grant or refusal of registration and, if an appeal is made, the date when the appeal is finally determined or abandoned.

Sealed with the Official Seal of the Department of Health on 27th September 2016

L.S.

Dr Paddy Woods
A senior officer of the
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 3 October 2016 further provisions of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 ("the 2003 Order") as set out in Article 2 to enable regulation of fostering agencies by the RQIA.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Provision	*Date of Commencement*	*S.R No.*
Article 3	1st September 2003	SR 2003 No.348 (C.26)
Article 4	1st April 2005	SR 2005 No.44 (C.4)
Article 5	1st April 2005	SR 2005 No.44 (C.4)
Article 6	1st September 2003	SR 2003 No.348 (C.26)
Article 7	1st April 2005	SR 2005 No.44 (C.4)
Article 8 Paras (1) (a), (c), (d), (e), (f) and (h). Para (2) (c), (d) and (f). Para (3) and (4)	1st April 2005	SR 2005 No.44 (C.4)
Article 8 – Paragraphs (1) (b) and (g). Paragraph (2) (a)	30th April 2007	SR 2007 No.220 (C.13)
Article 8 – Paragraph 2 (e)	29th October 2010	S.R. 2010 No. 288 (C.15)
Articles 9 to 14	1st April 2005	SR 2005 No.44 (C.4)
Article 15 Paras (1), (2) (a) to (d) and (3)	1st April 2005	SR 2005 No.44 (C.4)
Article 15 Para 2 (e)	29th October 2010	SR 2010 No.288 (C.15)
Articles 16 – 33	1st April 2005	SR 2005 No.44 (C.4)
Article 34	25th April 2003	SR 2003 No.239 (C.18)
Article 35	1st April 2005	SR 2005 No.44 (C.4)
Article 38 Para (1), (2) and (3)	1st September 2003	SR 2003 No.348 (C.26)
Article 38 Para (4)	1st April 2005	SR 2005 No.44 (C.4)
Article 39	1st April 2005	SR 2005 No.44 (C.4)
Article 40 Para (1), (2) and (3) (a)	1st April 2005	SR 2005 No.44 (C.4)