STATUTORY RULES OF NORTHERN IRELAND

2010 No. 290

HEALTH AND PERSONAL SOCIAL SERVICES

The Regulation and Quality Improvement Authority (Registration) (Amendment) Regulations (Northern Ireland) 2010

Made - - - - 3rd September 2010

Coming into operation 29th October 2010

The Department of Health, Social Services and Public Safety makes the following Regulations in exercise of the powers conferred on it by Articles 17 (1) (a) and (b) and 48 (2) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**1**).

Citation and commencement

1. These Regulations may be cited as the Regulation and Quality Improvement Authority (Registration) (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 29th October 2010.

Amendment of the Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005

2.—(1) The Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005 (**2**) shall be amended in accordance with the following paragraphs.

(2) In Regulation 2 (1) (Interpretation):

(a) in the definition of "Statement of Purpose" for sub-paragraph (j) (**3**)substitute the following paragraphs —

"(j) In relation to a voluntary adoption agency the written statement required to be compiled in accordance with regulation 4 of the Voluntary Adoption Agencies Regulations (Northern Ireland) 2010 (**4**);

(k) In relation to an establishment or agency of any other description, a written statement of the aims and objectives of the establishment or agency."

(**1**) S.I. 2003/431 (N.I.9)
(**2**) S.R. 2005 No.99 as amended by S.R. 2007 No.222
(**3**) Sub-paragraph (j) was inserted by S.R. 2007 No.222
(**4**) S.R. 2010 No.289

(b) for the definition "the Regulation and Improvement Authority" substitute the following definition —

""RQIA" means the Health and Social Care Regulation and Quality Improvement Authority"

(3) In Schedule 2:

(a) For paragraph 4 substitute —

"**4.** In relation to the responsible person—

(a) an enhanced criminal record certificate issued under section 113B of the Police Act 1997 (**5**) which includes, as applicable, suitability information relating to vulnerable adults (within the meaning of section 113BB(2) of that Act) or suitability information relating to children (within the meaning of section 113BA(2) of that Act (**6**)) or both; and

(b) the application for that certificate which was signed by the RQIA (**7**)

(b) For paragraph 10 substitute —

"**10.**—(1) A statement confirming that —

(a) the documents specified in sub-paragraph (2) have been issued —

(i) in the case of any applicant, to every person, other than the applicant, who works, or is intended to work, for the purposes of the establishment or agency; and

(ii) where the applicant is an organisation, to the responsible individual; and

(b) the applicant will make the documents so issued available for inspection by the RQIA if it so requires.

(2) The following documents are specified —

(a) where the position falls within regulation 9 of the Police Act 1997 (Criminal Records) (Disclosure) Regulations (Northern Ireland) 2008 (**8**), an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes, as applicable, suitability information relating to vulnerable adults (within the meaning of section 113BB(2) of that Act) or suitability information relating to children (within the meaning of section 113BA (2) of that Act) or both; or

(b) in any other case, a criminal record certificate issued under section 113A of the Police Act 1997(**9**)."

(4) In Schedule 3:

(a) Omit Paragraph 11.

(b) For paragraph 12 substitute —

"(a) An enhanced criminal record certificate issued under section 113B of the Police Act 1997 and, as applicable, suitability information relating to vulnerable adults (within the meaning of section 113BB(2) of that Act) or

(**5**) 1997 (c.50). Section 113B was inserted by section 163 (2) of the Serious Organised Crime and Police Act 2005 (c.15) and amended by sections 63 (1) of, and paragraph 14 of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c.47).

(**6**) Sections 113BA and 113BB were inserted by section 63 (1) of, and paragraph 14 of Schedule 9 to the Safeguarding and Vulnerable Groups Act 2006

(**7**) Renamed under the Health and Social Care Reform Act (Northern Ireland) 2009 (c.1(N.I.)

(**8**) S.I. 2008/542; relevant amending instruments are S.I. 2009/2495 and S.I 2009/3334

(**9**) Section 113A was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c.15) and amended by section 63(1) of and paragraph 14 of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c.47).