STATUTORY RULES OF NORTHERN IRELAND

2005 No. 182

HEALTH AND PERSONAL SOCIAL SERVICES

The Regulation and Improvement Authority (Fees and Frequency of Inspections) Regulations (Northern Ireland) 2005

Made - - - -	*30th March 2005*
Coming into operation	*1st April 2005*

The Department of Health Social Services and Public Safety, in exercise of the powers conferred on it by Articles 6(1)(e), 13(2), 16(3) and (5), 17(3), 40(7) and 48(2) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**1**), and of all other powers enabling it on that behalf, hereby makes the following Regulations:

PART I

GENERAL

Citation, commencement and application

1. These Regulations may be cited as the Regulation and Improvement Authority (Fees and Frequency of Inspections) Regulations (Northern Ireland) 2005 and shall come into operation on 1st April 2005.

Interpretation

2.—(1) In these Regulations –

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

"the 1971 Act" means the Nursing Homes and Nursing Agencies (Northern Ireland) Act 1971(**2**);

"the 1992 Order" means the Registered Homes (Northern Ireland) Order 1992(**3**);

"the 1995 Order" means the Children (Northern Ireland) Order 1995(**4**);

(**1**) S.I. 2003/431 (N.I. 9)
(**2**) 1971 c. 32
(**3**) S.I. 1992/3204 (N.I. 20)
(**4**) S.I. 1995/755 (N.I. 2)

"certificate" means a certificate of registration;

"the Commencement No. 3 Order" means the Health and Personal Social Services (Quality, Improvement and Regulation) (2003 Order) (Commencement No. 3 and Transitional Provisions) Order (Northern Ireland) 2005(**5**);

"existing provider" means –

(a) a person who immediately before 1st April 2005 –

(i) was registered under Part II of the 1992 Order in respect of a residential care home;

(ii) was registered under Part III of the 1992 Order in respect of a nursing home;

(iii) carried on a children's home that was registered in a register kept for the purposes of Articles 79 and 95 of the 1995 Order; or

(b) a nursing agency provider;

"new provider" means a person who carries on an establishment or agency for the first time after 1st April 2005;

"nursing agency provider" means a person –

(a) who, immediately before 1st April 2005, carried on an agency for the supply of nurses within the meaning of the 1971 Act; and

(b) was the holder of –

(i) a valid licence which had been granted to him by the Department under section 12 of that Act and which authorised him to carry on that agency from premises specified in the licence; or

(ii) a licence which would have ceased to be valid on 31st December 2005 by virtue of section 14 of the 1971 Act but which continued to be treated as valid by virtue of Article 4 of the Commencement No. 3 Order;

"previously exempt provider" means a provider –

(a) who, immediately before 1st April 2005, carried on an establishment other than –

(i) a residential care home or nursing home in respect of which a person was required to be registered under Part II or Part III of the 1992 Order;

(ii) a children's home that was required to be registered in a register kept for the purposes of Articles 79 and 95 of the 1995 Order; or

(b) who, immediately before 1st April 2005, carried on an agency, other than an agency for the supply of nurses within the meaning of the 1971 Act, which the person was authorised to carry on from those premises under a licence granted to him under section 12 of that Act;

"registered manager" in relation to an establishment or agency means a person who is registered under Part III of the Order as the manager of the establishment or agency;

"registered person" means any person who is the registered provider or registered manager in respect of an establishment or agency;

"registered provider" in relation to an establishment or agency means a person who is registered under Part III of the Order as the person carrying on the establishment or agency;

"service user" means any person who is to be provided with accommodation or services in an establishment, or by an agency, but excludes registered persons or persons employed or intended to be employed in an establishment or by an agency, and their relatives;

(**5**) S.R. 2005/44 (c. 4)

"small agency" means a nursing agency where no more than two members of staff, including registered persons but excluding someone employed solely as a receptionist, are employed at any one time;

"small establishment" means an establishment, which has less than four approved places.

PART II

FEES

Registration fees

3.—(1) For the purposes of Article 13(2) of the Order, and, subject to paragraph (2), the fee to accompany –

(a) an application by a person seeking to be registered under Part III of the Order as a person who carries on an establishment or agency, other than a nursing agency, shall be £952;

(b) an application by a person seeking to be registered under Part III of the Order as a person who carries on a nursing agency, shall be £30;

(2) Where the establishment is a small establishment or the agency is a small agency the fee shall be –

(a) in the case of an application referred to in paragraph (1)(a), £261; and

(b) in the case of an application referred to in paragraph (1)(b), £30 .

(3) For the purposes of Article 13(2) of the Order the fee to accompany an application by a person seeking to be registered under Part III of the Order as a person who manages an establishment or agency other than a small establishment or a small agency –

(a) in respect of an establishment or agency other than a nursing agency, shall be £261;

(b) in respect of a nursing agency, shall be £30.

Variation fees

4.—(1) For the purposes of Article 16(3) of the Order, the fee to accompany an application by the registered provider under Article 16(1)(a) of the Order ("the variation fee") shall, subject to paragraphs (2) and (3), be –

(a) in respect of an establishment or agency other than a nursing agency, £100;

(b) in respect of a nursing agency, £15.

(2) Where the establishment is a small establishment or the agency is a small agency the fee shall be –

(a) in the case of an application referred to in paragraph (1)(a), £50;

(b) in the case of an application referred to in paragraph (1)(b), £5.

(3) In a case where the variation of a condition is a minor variation, the variation fee shall be –

(a) in the case of an application referred to in paragraph (1)(a), £25; and

(b) in the case of an application referred to in paragraph (1)(b), £5.

(4) For the purposes of paragraph (3) a "minor variation" is a variation which, in the opinion of the Regulation and Improvement Authority, if the application for the variation of the condition were granted, would involve no material alteration in the register kept by the Registration and Improvement Authority in accordance with regulations made under article 12(3) of the Order.

Annual fees

5.—(1) Subject to paragraphs (2) to (4), the registered provider, in respect of an establishment or agency, specified in column (1) of the Table below shall pay an annual fee and –

(a) the amount of the annual fee shall be –

(i) in a case where no amount is specified in column (3) the amount specified in column (2);

(ii) in any other case, the sum of the amount specified in column (2) and the amounts specified in column (3), multiplied by the number of approved places specified in respect of each column; and

(b) shall be payable for the year beginning 1st April 2005 and subsequent years in accordance with column (4).

Column (1) *Establishment, agency*	Column (2) *Flat rate payable in all cases*	Column (3) *Rate payable for each approved place*	Column (4) *Annual fee due on*
Residential Care Home; Nursing Home; Children's Home.	£952	£46	(a) (a) in the case of an existing provider, the anniversary of the date on which the annual fee was payable under the 1992 Order or the 1995 Order and thereafter on that date; (b) in the case of a previously exempt provider, registered from 1st April 2005, in accordance with Articles 4 to 7 of the Commencement No. 3 Order, on the anniversary of that date and