STATUTORY RULES OF NORTHERN IRELAND

2005 No. 99

HEALTH AND PERSONAL SOCIAL SERVICES

The Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005

Made - - - -	*11th 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 12(3), 13(2), 15(1)(d), 16(3), 17, 25 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 in that behalf, hereby makes the following Regulations:

PART I

GENERAL

Citation, commencement and extent

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

Interpretation

2.—(1) In these Regulations –

"applicant" means a person seeking to be registered;

"placement plan" shall be construed in accordance with Regulation 13 of the Children's Homes Regulations (Northern Ireland) 2005;

"general medical practitioner" means a medical practitioner providing primary medical services;

"holding company" has the meaning given to it by Article 4 of the Companies (Northern Ireland) Order 1986(**2**);

(**1**) S.I.2003/431 (N.I. 9)
(**2**) S.I. 1986/1032 (N.I. 6)

"nurse" means a person registered in the register maintained under Article 5 of the Nursing and Midwifery Order 2001(**3**) by virtue of qualifications in nursing or midwifery;

"nursing agency service user" means a person to whom a nursing agency –

(a) supplies a nurse who is employed by the agency; or

(b) provides services for the purposes of supplying him with a nurse for employment by him;

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

"organisation" means a body corporate or any unincorporated association other than a partnership;

"registered" means registered under Part III of the Order;

"registered manager" means a person who is registered as the manager of an establishment or agency;

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

"registered provider" means a person who is registered as a person carrying on an establishment or agency;

"registration" means registration under Part III of the Order;

"the Regulation and Improvement Authority" has the same meaning as in the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003;

"relative", in relation to any person, means –

(a) the person's spouse;

(b) any parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece of his or his spouse;

(c) the spouse of any relative within sub-paragraph (b) of this definition,

and for the purpose of determining any such relationship a person's step-child shall be treated as his child, and references to "spouse" in relation to any person include a former spouse and a person who is living with the person as husband and wife;

"representative" means, in relation to a service user, a person, other than the registered person or a person employed at or for the purposes of the establishment or agency, who with the service user's express or implied consent takes an interest in the service user's health and welfare;

"responsible individual" means an individual who is a director, manager, secretary or other officer of an organisation and is responsible for supervising the management of an establishment or agency;

"responsible person" means –

(a) where the applicant is an individual –

  (i) the applicant; and

  (ii) if the applicant carries on or intends to carry on the establishment or agency in partnership with others, each partner of his;

(b) where the applicant is a partnership, each member of the partnership;

(c) where the applicant is an organisation, the responsible individual;

"service user" means any person who is to be provided with accommodation or services in an establishment, or by an agency;

(**3**) S.I. 2002/253

"statement of purpose" means –

(a) in relation to a residential care home, the written statement required to be compiled in relation to the residential care home in accordance with regulation 4 of the Residential Care Home Regulations (Northern Ireland) 2005(**4**);

(b) in relation to a nursing home, the written statement required to be compiled in relation to the nursing home in accordance with regulation 4 of the Nursing Homes Regulations (Northern Ireland) 2005(**5**);

(c) in relation to a children's home, the written statement required to be compiled in relation to the children's home in accordance with regulation 4 of the Children's Homes Regulations (Northern Ireland) 2005(**6**);

(d) in relation to an independent hospital, independent clinic or independent medical agency, the written statement required to be compiled in relation to the independent hospital, independent clinic or independent medical agency in accordance with regulation 6 of the Independent Health Care Regulations (Northern Ireland) 2005(**7**);

(e) in relation to a nursing agency the written statement required to be completed in relation to the Nursing Agencies Regulations (Northern Ireland) 2005(**8**);

(f) in relation to an establishment or agency of any other description, a written statement of the aims and objectives of the establishment or agency;

"subsidiary" has the meaning given to it by Article 4 of the Companies (Northern Ireland) Order 1986(**9**).

(2) In these Regulations, references to an establishment or agency are to be construed as references –

(a) in the case of an applicant, to the establishment or agency in respect of which he is seeking to be registered;

(b) in the case of a registered person, to the establishment or agency in respect of which he is registered.

(3) In these Regulations –

(a) references to the supply of a nurse mean –

(i) the supply of a nurse who is employed for the purposes of a nursing agency to act for and under the control of another person; and

(ii) the introduction of a nurse by a nursing agency to a nursing agency service user for employment by him.

PART II

APPLICATIONS FOR REGISTRATION

Information and documents to be provided by an applicant

3.—(1) An application for registration shall –

(a) be in writing on a form approved by the Regulation and Improvement Authority;

(**4**) S.R. 2005/161
(**5**) S.R. 2005/160
(**6**) S.R. 2005/176
(**7**) S.R. 2005/174
(**8**) S.R. 2005/175
(**9**) S.I. 1986/1032 (N.I. 6)

(b) be sent to the Regulation and Improvement Authority;

(c) be accompanied by a recent photograph of the responsible person, of whom the photograph shall be a true likeness;

(d) give the information that the applicant is required to provide in accordance with paragraphs (2) to (4).

(2) A person who is seeking to be registered as a person who carries on an establishment or agency shall provide to the Regulation and Improvement Authority –

(a) full information in respect of the matters listed in Parts I and II of Schedule 1;

(b) the documents listed in Schedule 2.

(3) A person who is seeking to be registered as a manager in respect of an establishment or agency shall provide to the Regulation and Improvement Authority –

(a) full information in respect of each of the matters listed in Part I of Schedule 3;

(b) the documents listed in Part II of that Schedule.

(4) A person who is seeking to be registered in respect of an establishment or agency of a description specified in column (1) below shall provide to the Regulation and Improvement Authority full information in respect of each of the matters listed in the Schedule specified in the corresponding entry in column (2) below.

Establishment or agency (1)	*Schedule* (2)
Residential Care Home	Schedule 4
Nursing Home	Schedule 5
Children's Home	Schedule 6
Independent Hospital, Independent Clinic or Independent Medical Agency	Schedule 7

(5) If the Regulation and Improvement Authority so requests, the applicant shall provide full information to the Regulation and Improvement Authority in respect of the matters listed in Part III of Schedule 1 in relation to any person specified for this purpose by the Regulation and Improvement Authority who works, or is intended to work, at the establishment or for the purposes of the agency.

(6) The applicant shall provide to the Regulation and Improvement Authority any other information or documents that it may reasonably require in relation to his application for registration.

Convictions

4. Where the Regulation and Improvement Authority asks the responsible person for details of any criminal convictions which are spent within the meaning of Article 3 of the Rehabilitation of Offenders (Northern Ireland) Order 1978(**10**) and informs him at the time the question is asked that by virtue of the Rehabilitation of Offenders (Exceptions) Order (Northern Ireland) 1979(**11**) spent convictions are to be disclosed, he shall supply in writing to the Regulation and Improvement Authority details of any spent convictions that he has.

(**10**) S.I. 1978/1908 (N.I. 27)
(**11**) S.R. 1979/195

Interview

5. The responsible person shall attend an interview for the purpose of enabling the Regulation and Improvement Authority to determine whether the applicant is fit to carry on or manage the establishment or agency in respect of which the applicant seeks to be registered.

Notice of changes

6. The applicant shall give notice in writing to the Regulation and Improvement Authority of any change specified below which occurs after the application for registration is made and before it is determined –

(a) any change of the name or address of the applicant or any responsible person;

(b) where the applicant is a partnership, any change of membership of the partnership;

(c) where the applicant is an organisation, any change of director, manager, secretary or other person responsible for the management of the organisation.

Information as to staff engaged after application made

7.—(1) Where an applicant applies for registration as a person who carries on an establishment or agency, and before the application is determined, engages a person to work at the establishment or for the purposes of the agency, he shall, in respect of each person so engaged –

(a) obtain the information specified in paragraphs 16 and 17 of Schedule 1 and, except where paragraph (2) applies, the documents specified in paragraph 10 of Schedule 2, in relation to the position in which the person is to work;

(b) provide to the Regulation and Improvement Authority, if it so requests, any of the information or documents which he is required to obtain under paragraph (a).

(2) This paragraph applies where any certificate or information on any matters referred to in paragraph 10 of Schedule 2 is not available to an individual because any provision of the Police Act 1997 has not been brought into force.

PART III

CERTIFICATES OF REGISTRATION

Registers

8.—(1) The Regulation and Improvement Authority shall keep a register in respect of each description of establishment or agency specified in Article 8(1) or (2) of the Order.

(2) Each register shall contain, in relation to each establishment or agency in respect of which a person's application for registration has been granted –

(a) the particulars specified in Part I of Schedule 6; and

(b) the particulars specified in respect of the register in Part II of that Schedule.

(3) Article 33(1) and (2) of the Order (provision of copies of register) shall not apply to any part of the register relating to childrens homes which consists of the restricted part of the address of any childrens homes.

(4) For the purposes of paragraph (3), the restricted part of the address of a childrens home is the whole address except the name of the childrens home.