1973. No. 397 **[C]**

HEALTH AND PERSONAL SOCIAL SERVICES

Registration of Homes for Persons in Need

REGULATIONS, DATED 28TH SEPTEMBER 1973, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER THE HEALTH AND PERSONAL SOCIAL SERVICES (NORTHERN IRELAND) ORDER 1972.

The Ministry of Health and Social Services on behalf of the Secretary of State and in exercise of the powers conferred on it by Article 107(2) and paragraphs 6 and 7 of Schedule 5 to the Health and Personal Social Services (Northern Ireland) Order 1972(a) and of every other power enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Health and Personal Social Services (Registration of Homes) Regulations (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

Revocation of Regulations

2. The Welfare Services (Registration of Homes) Regulations (Northern Ireland) 1963(b) are hereby revoked.

Interpretation

3. In these regulations—

"the Order" means the Health and Personal Social Services (Northern Ireland) Order 1972;

"home" means a home for persons in need, as defined in Article 2(2) of the Order;

"person in need" has the meaning assigned to it by Article 2(2) of the Order;

"manager" means the person registered in respect of a home under paragraph 2(2) of Schedule 5 to the Order.

Applications for registration

4. An application for registration shall be made to the Health and Social Services Board for the area in which the home named in the application is situated in the form set out in Schedule 1 and the applicant shall supply such information as is indicated thereon together with such additional information as the Health and Social Services Board may reasonably require.

5. The registers to be maintained by Health and Social Services Boards in accordance with paragraph 7(1) of Schedule 5 to the Order shall be in the form set out in Schedule 2.

Limitation of numbers

6.—(1) A Health and Social Services Board shall have power to limit the number of persons, or persons of any description, who may be received

(a) S.I. 1972, No 1265 (N.I. 14). (b) S.R. & O. (N.I.) 1963, No. 231.

into any home in respect of which a certificate of registration has been issued under paragraph 2(2) of Schedule 5 to the Order and to make it a condition of registration that persons shall not be received into the home in excess of the number fixed.

(2) The number fixed shall be specified in the certificate of registration and persons shall not be received into any home in excess of that limit.

(3) A Health and Social Services Board may, upon the application of the manager or otherwise, vary the number of persons, or persons of any description, who may be received into the home as specified in the certificate of registration by giving to the manager notice that on and after the date of receipt of the notice no persons, or no persons of any description, shall be received into the home so that the numbers accommodated exceed the numbers specified in the notice and the certificate of registration shall be amended accordingly by the Health and Social Services Board.

(4) A notice issued under paragraph (3) shall not be taken to require the discharge of persons already accommodated in the home or to prohibit the admission of persons whose applications for accommodation had been accepted prior to the date of receipt of the notice.

Conduct of homes

7. The manager of every home which is registered under paragraph 2(2) of Schedule 5 to the Order shall conduct the home in a reasonable manner and provide suitable facilities and services having regard in particular to the age and physical and mental condition of the residents thereof.

Offences

8. A manager who receives persons, or persons of any description, into a home in contravention of any condition or requirement imposed under Regulation 6 shall be guilty of an offence against these Regulations.

9.—(1) Where the Health and Social Services Board considers that the manager of any home has failed or is failing to conduct the home, or to provide suitable facilities and services therein, as required by Regulation 7, it may give notice to the manager specifying in what respect he has in the opinion of the Health and Social Services Board failed or is failing to comply with the requirements of that Regulation and what in the opinion of the Health and Social Services Board it is necessary for the manager to do so as to comply with the said requirements.

(2) Where notice has been given in accordance with paragraph (1) and the period of three months, or such shorter period as may have been specified in the notice, beginning with the date of the notice, has expired, any manager who contravenes or fails to comply with any requirement specified in the notice shall be guilty of an offence against these Regulations.

10. Any manager guilty of an offence against these Regulations shall be liable on summary conviction to a fine not exceeding £20.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 28th day of September 1973.

(L.S.) *N. I. Kells,*
Assistant Secretary.