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*Status: Point in time view as at 03/10/2016.*

*Changes to legislation: The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, Cross Heading: Registration procedure is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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## STATUTORY INSTRUMENTS

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# 2003 No. 431

## The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003

### PART III

#### REGULATION OF ESTABLISHMENTS AND AGENCIES

##### *Registration procedure*

##### **Notice of proposals**

**18.**—(1) Paragraphs (2) and (3) apply where a person applies for registration in respect of an establishment or agency.

(2) If the [F1RQIA] proposes to grant the application subject to any conditions which have not been agreed in writing between it and the applicant, it shall give the applicant written notice of its proposal and of the conditions subject to which it proposes to grant his application.

(3) The [F1RQIA] shall give the applicant notice of a proposal to refuse the application.

(4) Except where it makes an application under Article 21, the [F1RQIA] shall give any person registered in respect of an establishment or agency notice of a proposal—

- (a) to cancel the registration (otherwise than in accordance with an application under Article 16(1)(b));
- (b) to vary or remove (otherwise than in accordance with an application under Article 16(1)(a)) any condition for the time being in force in relation to the registration; or
- (c) to impose any additional condition in relation to the registration.

(5) The [F1RQIA] shall give the applicant notice of a proposal to refuse an application under Article 16(1)(a).

(6) A notice under this Article shall give the [F1RQIA] 's reasons for its proposal.

**F1** Words in [Order](#) substituted (11.4.2014) by [Health and Social Care \(Amendment\) Act \(Northern Ireland\) 2014 \(c. 5\)](#), [Sch. para. 1\(1\)\(b\)](#) (with [Sch. para. 1\(2\)](#))

##### **Right to make representations**

**19.**—(1) A notice under Article 18 shall state that within 28 days of service of the notice any person on whom it is served may make written representations to the [F1RQIA] concerning any matter which that person wishes to dispute.

(2) Where a notice has been served under Article 18, the [F1RQIA] shall not determine any matter to which the notice relates until either—

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- (a) any person on whom the notice was served has made written representations to it concerning the matter;
- (b) any such person has notified the [F1RQIA] in writing that he does not intend to make representations; or
- (c) the period during which any such person could have made representations has elapsed.

**F1** Words in [Order](#) substituted (11.4.2014) by [Health and Social Care \(Amendment\) Act \(Northern Ireland\) 2014 \(c. 5\)](#), [Sch. para. 1\(1\)\(b\)](#) (with [Sch. para. 1\(2\)](#))

### Notice of decisions

**20.**—(1) If the [F1RQIA] decides to grant an application for registration in respect of an establishment or agency unconditionally, or subject only to conditions which have been agreed in writing between it and the applicant, it shall give the applicant written notice of its decision.

(2) A notice under paragraph (1) shall state the agreed conditions.

(3) If the [F1RQIA] decides to adopt a proposal under Article 18, it shall serve notice in writing of its decision on any person on whom it was required to serve notice of the proposal.

(4) A notice under paragraph (3) shall—

- (a) explain the right of appeal conferred by Article 22;
- (b) in the case of a decision to adopt a proposal under Article 18(2), state the conditions subject to which the application is granted; and
- (c) in the case of a decision to adopt a proposal under Article 18(4)(b) or (c), state the condition as varied, the condition which is removed or (as the case may be) the additional condition imposed.

(5) Subject to paragraph (6), a decision of the [F1RQIA] to adopt a proposal under Article 18(2) or (4) shall not take effect—

- (a) if no appeal is brought, until the expiration of the period of 28 days referred to in Article 22(2); and
- (b) if an appeal is brought, until it is determined or abandoned.

(6) Where, in the case of a decision to adopt a proposal under Article 18(2), the applicant notifies the [F1RQIA] in writing before the expiration of the period mentioned in paragraph (5)(a) that he does not intend to appeal, the decision shall take effect when the notice is served.

**F1** Words in [Order](#) substituted (11.4.2014) by [Health and Social Care \(Amendment\) Act \(Northern Ireland\) 2014 \(c. 5\)](#), [Sch. para. 1\(1\)\(b\)](#) (with [Sch. para. 1\(2\)](#))

### Urgent procedure for cancellation etc.

**21.**—(1) If—

- (a) the [F1RQIA] applies to a justice of the peace for an order—
  - (i) cancelling the registration of a person in respect of an establishment or agency;
  - (ii) varying or removing any condition for the time being in force by virtue of this Part; or
  - (iii) imposing an additional condition; and
- (b) it appears to the justice that, unless the order is made, there will be a serious risk to a person's life, health or well-being,

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the justice may make the order, and the cancellation, variation, removal or imposition shall have effect from the time when the order is made.

(2) An application under paragraph (1) may, if the justice thinks fit, be made without notice.

(3) As soon as practicable after the making of an application under this Article, the [F1RQIA] shall notify the Department and the appropriate authority of the making of the application.

(4) An order under paragraph (1) shall be in writing.

(5) Where such an order is made, the [F1RQIA] shall, as soon as practicable after the making of the order, serve on the person registered in respect of the establishment or agency—

- (a) a copy of the order; and
- (b) notice of the right of appeal conferred by Article 22.

**F1** Words in [Order](#) substituted (11.4.2014) by [Health and Social Care \(Amendment\) Act \(Northern Ireland\) 2014 \(c. 5\)](#), [Sch. para. 1\(1\)\(b\)](#) (with [Sch. para. 1\(2\)](#))

### Appeals to the Care Tribunal

**22.**—(1) An appeal against—

- (a) a decision of the [F1RQIA] under this Part; or
- (b) an order made by a justice of the peace under Article 21,

shall lie to the Care Tribunal.

(2) No appeal against a decision or order may be brought by a person more than 28 days after service on him of notice of the decision or order.

(3) On an appeal against a decision of the [F1RQIA] the Tribunal may confirm the decision or direct that it shall not have effect.

(4) On an appeal against an order made by a justice of the peace the Tribunal may confirm the order or direct that it shall cease to have effect.

(5) The Tribunal shall also have power on an appeal against a decision or order—

- (a) to vary any condition for the time being in force in respect of the establishment or agency to which the appeal relates;
- (b) to direct that any such condition shall cease to have effect; or
- (c) to direct that any such condition as it thinks fit shall have effect in respect of the establishment or agency.

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