
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 44

The Health and Personal Social Services (Quality, Improvement and Regulation) (2003 Order) (Commencement No. 3 & Transitional Provisions) Order (Northern Ireland) 2005

Notices of Cancellation, Variation or Additional Condition under the 1992 Order [Nursing Homes]

10.—(1) This Article applies where –

- (a) a person carries on or manages a nursing home –
 - (i) to which Article 5(1)(b) applies; or
 - (ii) an independent hospital or independent clinic to which Article 5 (2) applies; and
- (b) the Board, with which the person was immediately before the commencement date registered under the 1992 Order, has sent that person notice –
 - (i) under Article 24(4)(a) of the 1992 Order of a proposal under Article 24(4)(a) to cancel that registration; or
 - (ii) under Article 24(4)(b) or (c) of the 1992 Order of a proposal to vary an existing condition or impose an additional condition,

and that cancellation, variation or imposition, as the case may be has not taken effect before that date.

(2) Where this Article applies –

- (a) the 1992 Order shall continue in force for the purpose of determining whether the condition is to be imposed or varied or the registration is to be cancelled as the case may be;
- (b) where a condition is imposed or varied as provided for by this paragraph it shall, so far as it is capable of being a condition to which registration under the 2003 Order is subject, have effect, in relation to the nursing home to which paragraph (1)(a) applies, from the date on which it was imposed or varied as the case may be, as if it were a condition specified in a notice given under Article 18(4) of the 2003 Order and the period of 28 days referred to in Article 19 of the 2003 Order has elapsed on that date without written representations having been made as provided for in that section; and
- (c) where the person's registration is cancelled, registration under the 2003 Order by virtue of Article 4 of this Order shall cease to have effect.

(3) Where a person to whom paragraph (1)(a) applies has before the commencement date applied to the Board, specified in paragraph (1)(b) under Article 20(4) of the 1992 Order to impose an additional condition or to vary an existing condition and the Board has not by that date, given notice under Article 24 (4) of the 1992 Order, the application shall be treated as an application to the Regulation and Improvement Authority, made on that date in accordance with Article 16 of the 2003 Order.

Changes to legislation: *There are currently no known outstanding effects for the The Health and Personal Social Services (Quality, Improvement and Regulation) (2003 Order) (Commencement No. 3 & Transitional Provisions) Order (Northern Ireland) 2005, Section 10. (See end of Document for details)*

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Commencement Information

II Art. 10 in operation at made date

Changes to legislation:

There are currently no known outstanding effects for the The Health and Personal Social Services (Quality, Improvement and Regulation) (2003 Order) (Commencement No. 3 & Transitional Provisions) Order (Northern Ireland) 2005, Section 10.