

2006 No. 394

HEALTH AND PERSONAL SOCIAL SERVICES

**The Northern Ireland Social Care Council (Social Care Workers)
Regulations (Northern Ireland) 2006**

Made - - - - - *28th September 2006*

Coming into operation - - - - - *23rd October 2006*

The Department of Health, Social Services and Public Safety(**a**), in exercise of the powers conferred by sections 2(2) and (3) and 57(3) of the Health and Personal Social Services Act (Northern Ireland) 2001(**b**) makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Northern Ireland Social Care Council (Social Care Workers) Regulations (Northern Ireland) 2006 and shall come into operation on 23rd October 2006.

(2) In these Regulations—

“the Act” means the Health and Personal Social Services Act (Northern Ireland) 2001; and

“regulatory body” means, in relation to any profession, the body (or main body) responsible for the regulation of the profession.

Persons excepted from meaning of social care worker

2.—(1) A person who is registered for the time being with or (as the case may be) is a member of one or more of the regulatory bodies specified in paragraph (2) is excepted from the meaning of social care worker for the purposes of section 2(2) of the Act.

(2) For the purposes of paragraph (1) the regulatory bodies are—

- (a) the General Chiropractic Council(**c**);
- (b) the General Dental Council(**d**);
- (c) the General Medical Council(**e**);
- (d) the General Optical Council(**f**);
- (e) the General Osteopathic Council(**g**);
- (f) the General Teaching Council(**h**);

(a) See S.I. 1999/283 (N.I. 1), Article 3(6)

(b) 2001 c. 3

(c) See section 1 of 1994 c. 17

(d) See section 1 of 1984 c. 24

(e) See section 1 of 1983 c. 54

(f) See section 1 of 1989 c. 44

(g) See section 1 of 1993 c. 21

(h) See section 1 of 1998 c. 30

- (g) the General Teaching Council for Northern Ireland(a);
- (h) the General Teaching Council for Scotland(b);
- (i) the General Teaching Council for Wales(c);
- (j) the Health Professions Council(d);
- (k) the Nursing and Midwifery Council(e);
- (l) the Pharmaceutical Society of Northern Ireland(f);
- (m) the Royal Pharmaceutical Society of Great Britain(g); and
- (n) any other regulatory body established by Order in Council under section 60 of the Health Act 1999(h).

Persons to be treated as social care workers

3. For the purposes of section 2(3) of the Act (“Social care worker”, etc.), persons of any of the descriptions in paragraphs (a) to (e) of subsection (3) of section 2 of the Act shall, subject to regulation 2, be treated as social care workers.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 28th September 2006.



Paul Martin

A senior officer of the Department of Health, Social Services and Public Safety

(a) See Article 34 of S.I. 1998/1759 (N.I. 13)
(b) See section 1 of 2000 asp 6
(c) See Article 2 of S.I. 1998/2911
(d) See Article 3 of S.I. 2002/254
(e) See Article 3 of S.I. 2002/253
(f) See Article 34 of S.I. 1976/1213 (N.I. 22)
(g) See section 2 of 1954 c. 6
(h) 1999 c. 8

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations made under sections 2 and 57 of the Health and Personal Social Services Act (Northern Ireland) 2001 (“the Act”) provide that:

– a person who is registered with or is a member of one or more specified regulatory bodies shall be excepted from the meaning of social care worker (regulation 2); and

– persons of any of the descriptions in paragraphs (a) to (e) of subsection (3) of section 2 of the Act are to be treated as social care workers, except when registered with or members of another specified regulatory body (regulation 3). These include persons engaged in work for the purposes of the personal social services functions of a Health and Social Services Board or HSS trust (or in the provision of services similar to those provided in the exercise of those functions); persons engaged in the provision of personal care for any person; persons who manage, or who are employed in, an undertaking which consists of or includes supplying, or providing services for the purpose of supplying, persons to provide personal care; and persons who are employed in connection with the discharge of functions of the Department of Health, Social Services and Public Safety under Article 149 of the Children (Northern Ireland) Order 1995 (NI 2) (inspection of children’s homes etc.).