

STATUTORY RULES OF NORTHERN IRELAND

**2007 No. 235**

**The Domiciliary Care Agencies  
Regulations (Northern Ireland) 2007**

**PART III**

**CONDUCT OF DOMICILIARY CARE AGENCIES**

**CHAPTER 4**

**NOTICES TO BE GIVEN TO THE [F<sup>1</sup>RQIA]**

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

**Notice of absence**

**27.—(1)** Where—

- (a) the registered provider, being an individual who manages the agency himself; or
- (b) the registered manager,

proposes to be absent from the agency for a continuous period of 28 days or more, the registered provider shall give notice in writing to the [F<sup>1</sup>RQIA] of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) shall be given no later than one month before the proposed absence commences, or within such shorter period as may be agreed with the [F<sup>1</sup>RQIA] and the notice shall specify—

- (a) the length or expected length of the absence;
- (b) the reason for the absence;
- (c) the arrangements which have been made for running the agency during that absence;
- (d) the name, address and qualifications of the person who will be managing the agency during that absence; and
- (e) in the case of the absence of the registered manager, the arrangements that have been, or are proposed to be, made for appointing another person to manage the agency during that absence, including the proposed date by which the appointment is to be made.

(3) Where the absence arises as a result of an emergency, the registered provider shall give notice of the absence within one week of its occurrence specifying the matters set out in paragraph (2)(a) to (e).

(4) Where—

- (a) the registered provider, being an individual who manages the agency himself; or
- (b) the registered manager,

has been absent from the agency for a continuous period of 28 days or more, and the [F<sup>1</sup>RQIA] has not been given notice of the absence, the registered provider shall, without delay, give notice in writing to the [F<sup>1</sup>RQIA] of the absence, specifying the matters set out in paragraph (2)(a) to (e).

(5) The registered provider shall notify the [F<sup>1</sup>RQIA] of the return to duty of the registered provider or (as the case may be) the registered manager not later than 7 days after the date of his return.

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**Commencement Information**

**I1** Reg. 27 in operation at 30.4.2007, see [reg. 1](#)

**Notice of changes**

**28.** The registered person shall give notice in writing to the [F<sup>1</sup>RQIA] as soon as it is practicable to do so if any of the following events takes place or are proposed to take place—

- (a) a person other than the registered person carries on or manages the agency;
- (b) a person ceases to carry on or manage the agency;
- (c) where the registered person is an individual, he changes his name;
- (d) where the registered provider is a partnership, there is any change in the membership of that partnership;
- (e) where the registered provider is an organisation—
  - (i) the name or address of the organisation is changed;
  - (ii) there is any change of director, manager, secretary or other similar officer of the organisation; or
  - (iii) there is any change in the identity of the responsible individual;
- (f) where the registered provider is an individual, a trustee in bankruptcy is appointed;
- (g) where the registered provider is a company or partnership, a receiver, manager, liquidator or provisional liquidator is appointed; or
- [F<sup>2</sup>(fa) where the registered provider is an individual, a debt relief order is made in respect of him;]
- (h) the registered provider acquires additional premises for the purposes of the agency.

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**F2** [Reg. 28\(fa\)](#) inserted (7.3.2016) by [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\)](#), art. 1, [Sch. para. 49\(4\)](#)

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**Commencement Information**

**I2** Reg. 28 in operation at 30.4.2007, see [reg. 1](#)

**Appointment of liquidators etc.**

- 29.**—(1) Any person to whom paragraph (2) applies must—
- (a) forthwith notify the [F<sup>1</sup>RQIA] of his appointment indicating the reasons for it;
  - (b) appoint a manager in any case where there is no registered manager; and
  - (c) not more than 28 days after his appointment, notify the [F<sup>1</sup>RQIA] of his intentions regarding the future operation of the agency.
- (2) This paragraph applies to any person appointed as—

- (a) the receiver or manager of the property of a company or partnership which is a registered provider in respect of an agency;
- (b) the liquidator or provisional liquidator of a company which is the registered provider in respect of an agency; or
- (c) the trustee in bankruptcy of a registered provider in respect of an agency.

**Commencement Information**

**I3** Reg. 29 in operation at 30.4.2007, see [reg. 1](#)

**Death of registered person**

**30.**—(1) If more than one person is registered in respect of an agency, and a registered person dies, the surviving registered person shall without delay notify the [F1RQIA] of the death in writing.

(2) If only one person is registered in respect of an agency, and he dies, his personal representatives must notify the [F1RQIA] in writing—

- (a) without delay of the death; and
- (b) within 28 days of their intentions regarding the future running of the agency.

(3) The personal representatives of the deceased registered provider may carry on the agency without being registered in respect of it—

- (a) for a period not exceeding 28 days; and
- (b) for any further period as may be determined in accordance with paragraph (4).

(4) The [F1RQIA] may extend the period specified in paragraph (3)(a) by such further period, not exceeding one year, as the [F1RQIA] shall determine, and shall notify any such determination to the personal representatives in writing.

(5) The personal representatives shall appoint a person to manage the agency during any period in which, in accordance with paragraph (3), they carry on the agency without being registered in respect of it.

**Commencement Information**

**I4** Reg. 30 in operation at 30.4.2007, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Domiciliary Care Agencies Regulations (Northern Ireland) 2007, CHAPTER 4.