

**2009 No. 28**

**HEALTH AND PERSONAL SOCIAL SERVICES**

**The Establishments and Agencies (Fitness of Workers)  
(Amendment) Regulations (Northern Ireland) 2009**

*Made* - - - - - *27th January 2009*

*Coming into operation* - *20th February 2009*

The Department of Health, Social Services and Public Safety makes the following Regulations, in exercise of the powers conferred on it by Articles 23(1), (2)(b), (f) and (h), (7)(c) and 48(2) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(a).

In accordance with Article 23(8) of that Order it has consulted with such persons as it considers appropriate.

**Citation and Commencement and Interpretation**

1.—(1) These Regulations may be cited as the Establishments and Agencies (Fitness of Workers) (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 20th February 2009.

(2) In these Regulations “the principal regulations” means the Establishments and Agencies (Fitness of Workers) Regulations (Northern Ireland) 2008(b).

**Revocations**

2. Regulations 2(2), 3(2), 4(2) and (3), 5(2), 6(2) and 7 of the principal regulations are hereby revoked.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 27<sup>th</sup> January 2009.

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

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke regulations 2(2), 3(2), 4(2) and (3), 5(2), 6(2) and 7 of the principal regulations, made under the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 in respect of nursing homes, residential care homes, nursing agencies, children's homes, day care settings and domiciliary care agencies.

Regulation 2 of these Regulations –

- revokes regulation 2(2) of the principal regulations which amended the Nursing Homes Regulations (Northern Ireland) 2005 to enable a registered nursing home provider to allow a person to start work in a nursing home, pending receipt of a criminal record certificate pursuant to section 113A of the Police Act 1997 (“a criminal record certificate”), or an enhanced criminal record certificate pursuant to section 113B of that Act (“an enhanced criminal record certificate”), provided that certain conditions had been met.
- revokes regulation 3(2) of the principal regulations which made similar amendments to the Residential Care Homes Regulations (Northern Ireland) 2005.
- revokes regulation 4(2) and (3) of the principal regulations which amended the Nursing Agencies Regulations (Northern Ireland) 2005 to enable a registered provider of a nursing agency to supply a nurse to a service user, pending receipt of a criminal record certificate, or an enhanced criminal record certificate, provided that certain conditions had been met.
- revokes regulation 5(2) of the principal regulations which amended the Children's Homes Regulations (Northern Ireland) 2005 to enable a registered children's home provider to allow a person to start work at a children's home, pending receipt of a criminal record certificate, or an enhanced criminal record certificate, provided that certain conditions had been met.
- revokes regulation 6(2) of the principal regulations which amended the Day Care Setting Regulations (Northern Ireland) 2007 to enable a registered day care setting provider to allow a person to start work at a day care setting, pending receipt of a criminal record certificate, or an enhanced criminal record certificate, provided that certain conditions had been met.
- revokes regulation 7 of the principal regulations which amended the Domiciliary Care Agencies Regulations (Northern Ireland) 2007 to enable an agency provider to supply a domiciliary care worker to a service user, pending receipt of a criminal record certificate, or an enhanced criminal record certificate, provided that certain conditions had been met.

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