

*Status: Point in time view as at 13/05/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Personal Social Services Act (Northern Ireland) 2001, Cross Heading: Miscellaneous and supplemental. (See end of Document for details)*



## 2001 CHAPTER 3

### PART I

#### SOCIAL CARE WORKERS

*Miscellaneous and supplemental*

#### [<sup>F1</sup>Appeals to the Care Tribunal

**15.—**(1) A person may appeal to the Care Tribunal against a relevant decision.

(2) On the appeal, the Care Tribunal may—

- (a) confirm the decision,
- (b) set aside the decision, or
- (c) substitute for the decision appealed against any other decision that could have been made.

(3) “Relevant decision” means—

- (a) a decision under this Part in respect of registration, and
- (b) a decision under Part 3 of the General Systems Regulations in respect of an aptitude test, or period of adaptation, in connection with a person's becoming permitted (by virtue of that Part of those regulations) to have access to, and to pursue, the profession of social worker in the United Kingdom.

(4) In subsection (3)(a) the reference to a decision under this Part in respect of registration includes a decision under section 6 to give a warning (but not a decision to enter into, vary or revoke an agreement of a kind mentioned in section 6(1)(dd) or a decision to give advice.)]

*Status: Point in time view as at 13/05/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Personal Social Services Act (Northern Ireland) 2001, Cross Heading: Miscellaneous and supplemental. (See end of Document for details)*

**F1** S. 15 substituted (13.5.2016 with effect as mentioned in s. 5(2)) by [Health and Personal Social Services \(Amendment\) Act \(NorthernIreland\) 2016 \(c. 23\), ss. 5\(1\), 8](#)

### **Publication, etc. of register**

**16.**—(1) The Council shall publish the register in such manner, and at such times, as it considers appropriate.

(2) Any person who asks the Council for a copy of, or of an extract from, the register shall be entitled to have one.

### **[<sup>F2</sup>Publication etc of information about fitness to practise**

**16A.**—(1) If it considers it is in the public interest to do so, the Council may publish or disclose to any person—

- (a) information relating to a particular registered person's fitness to practise, or
- (b) information of a particular description relating to the fitness to practise of—
  - (i) every registered person, or
  - (ii) every registered person of a particular description.

(2) For the purposes of subsection (1)(b) the Council need not consider whether it is in the public interest to publish or disclose the information in question in relation to each registered person to whom it relates.

(3) In this section “information” includes—

- (a) information relating to, or arising, before a person's registration (as well as after it), and
- (b) information arising outside the United Kingdom (as well as in it).

(4) In this section references to a registered person include a person who has at any time been a registered person.]

**F2** S. 16A inserted (13.5.2016) by [Health and Personal Social Services \(Amendment\) Act \(NorthernIreland\) 2016 \(c. 23\), ss. 2\(3\), 8](#)

### **Cesser of functions of CCETSW**

**17.** The Central Council for Education and Training in Social Work shall cease to exercise in relation to Northern Ireland the functions conferred on it by or under section 10 of the Health and Social Services and Social Security Adjudications Act 1983 (c. 41).

*Status: Point in time view as at 13/05/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Personal Social Services Act (Northern Ireland) 2001, Cross Heading: Miscellaneous and supplemental. (See end of Document for details)*

## Rules

**18.—(1)** Rules made by the Council under this Part may make provision for the payment of reasonable fees to the Council in connection with the discharge of the Council's functions [<sup>F3</sup>, but subject to subsection (2A)].

(2) In particular, the rules may make provision for the payment of such fees in connection with—

- (a) registration (including applications for registration or for amendment of the register [<sup>F4</sup>, but subject to subsection (2A)]);
- (b) the approval of courses under section 10;
- [<sup>F5</sup>(ba) assessments of a kind mentioned in section 10A(3);]
- (c) the provision of training;
- (d) the provision of copies of codes of practice or copies of, or extracts, from the register,

including provision requiring persons registered under this Part to pay a periodic fee to the Council of such amount, and at such time, as the rules may specify.

[<sup>F6</sup>(2A) Rules made by the Council under this Part may not make provision for the payment of fees in connection with registration in the visiting European part of the register.]

(3) No rules shall be made by the Council under this Part without the consent of the Department.

[<sup>F7</sup>(4) Rules under this Part may contain transitional, transitory or saving provision.

(5) Transitional provision made by rules under section 6 may in particular provide that where a person appeals against a decision made before the coming into operation of the rules (or any amendment of the rules), for the purposes of section 15(2)(c) the rules are (or the amendment is) to be treated as having been in operation at the time of that decision.]

**F3** Words in s. 18(1) inserted (3.12.2007) by [European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **255(a)**

**F4** Words in s. 18(2)(a) inserted (3.12.2007) by [European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **255(b)**

**F5** S. 18(2)(ba) inserted (13.5.2016) by [Health and Personal Social Services \(Amendment\) Act \(Northern Ireland\) 2016 \(c. 23\)](#), ss. **4(2)**, 8

**F6** S. 18(2A) inserted (3.12.2007) by [European Qualifications \(Health and Social Care Professions\) Regulations 2007 \(S.I. 2007/3101\)](#), regs. 1(2), **255(c)**

**F7** S. 18(4)(5) inserted (13.5.2016) by [Health and Personal Social Services \(Amendment\) Act \(Northern Ireland\) 2016 \(c. 23\)](#), ss. **6(4)**, 8

*Status: Point in time view as at 13/05/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Personal Social Services Act (Northern Ireland) 2001, Cross Heading: Miscellaneous and supplemental. (See end of Document for details)*

## Default powers of Department

19.—(1) The powers conferred by this section are exercisable by the Department if it is satisfied that the Council—

- (a) has without reasonable excuse failed to discharge any of its functions; or
- (b) in discharging any of its functions, has without reasonable excuse failed to comply with any directions or guidance given by it under section 1(3) in relation to those functions.

(2) The Department may—

- (a) make an order declaring the Council to be in default; and
- (b) direct the Council to discharge such of its functions, and in such manner and within such period or periods, as may be specified in the direction.

(3) If the Council fails to comply with the Department's direction under subsection (2), the Department may—

- (a) discharge the functions to which the direction relates itself; or
- (b) make arrangements for any other person to discharge those functions on its behalf.

*Ss. 20#21 rep. by 2003 NI 9*

## [<sup>F8</sup> Interpretation of this Part

22.—[

<sup>F9</sup>(1)] In this Part “child”, “children's home”, “day care setting”, “domiciliary care agency”, “nursing home”, “personal care”, “registered care home”, “residential family centre”, “school” and “undertaking” have the same meanings as in the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.]

[<sup>F10</sup>(2) In this Part—

“the register” means the register maintained under section 3;

“registered person” means a person registered in a part of the register.]

**F8** 2003 NI 9

**F9** S. 22: renumbered as s. 22(1) (13.5.2016) by [Health and Personal Social Services \(Amendment\) Act \(Northern Ireland\) 2016 \(c. 23\)](#), **ss. 6(5)(a)**, 8

**F10** S. 22(2) inserted (13.5.2016) by [Health and Personal Social Services \(Amendment\) Act \(Northern Ireland\) 2016 \(c. 23\)](#), **ss. 6(5)(b)**, 8

**Status:**

Point in time view as at 13/05/2016.

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Personal Social Services Act (Northern Ireland) 2001, Cross Heading: Miscellaneous and supplemental.