
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 1995 Order [Children's Homes]

11.—(1) This Article applies –

- (a) where a person who carries on or manages an establishment which is a children's home to which Article 5(1)(c) applies;
- (b) where the Board with which the establishment was registered immediately before the commencement date, has before that date, given that person notice –
 - (i) under Article 83(4)(a) or 99(4)(a) of the 1995 Order of a proposal to cancel the registration; or
 - (ii) under Article 83(4)(b) or 99(4)(c) of that Order of a proposal to vary or cancel any existing condition or impose an additional condition;

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

(2) Where this Article applies –

- (a) the 1995 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 children's 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 Article; and
- (c) where the person's registration is cancelled, registration under the 2003 Order by virtue of Article 4 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 81(2) or 97(2) of the 1995 Order, to impose an additional condition or to vary an existing condition and the Board has not by that date given notice under Article 83 or 99 of the 1995 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.