2007 No. 223

HEALTH AND PERSONAL SOCIAL SERVICES

The Regulation and Improvement Authority (Fees and Frequency of Inspections) (Amendment) Regulations (Northern Ireland) 2007

Made - - - - - *29th March 2007*

Coming into operation *30th April 2007*

The Department of Health, Social Services and Public Safety makes the following Regulations in exercise of the powers conferred by Articles 13 (2),16 (3), 17(3), 40 (7) and 48(2) of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003(**a**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Regulation and Improvement Authority (Fees and Frequency of Inspections) (Amendment) Regulations (Northern Ireland) 2007 and shall come into operation on 30 April 2007.

(2) In these regulations, "the principal regulations" means the Regulation and Improvement Authority (Fees and Frequency of Inspections) Regulations (Northern Ireland) 2005(**b**).

Amendment of the Regulation and Improvement Authority (Fees and Frequency of Inspections) Regulations (Northern Ireland) 2005

2.—(1) The principal regulations shall be amended in accordance with the following paragraphs:

(2) In regulation 3 (Registration fees)—

(a) After paragraph (1) (b) there shall be inserted the following sub-paragraph:

"(c) an application by a person seeking to be registered under Part III of the Order as a person who carries on an establishment or agency which is a domiciliary care agency, a day care setting, a residential family centre or an adult placement agency shall be nil;

(b) After paragraph (2) (b) there shall be inserted the following sub-paragraph:

"(c) in the case of an application referred to in paragraph (1)(c), nil".

(c) After paragraph (3) (b) there shall be inserted the following sub-paragraph:

"(c) in respect of a domiciliary care agency, a day care setting, a residential family centre or an adult placement agency, shall be nil".

(3) In regulation 4 (Variation Fees)—

(a) After paragraph (1) (b) there shall be inserted the following sub-paragraph:

"(c) in the case of a domiciliary care agency, a day care setting, a residential family centre or an adult placement agency, nil."

(**a**) S.I. 2003/431 (N.I. 9)
(**b**) S.R. 2005 No. 182 as amended by S.R. 2006 No. 341

(b) After paragraph (2) (b) there shall be inserted the following sub-paragraph:
"(c) in the case of an application referred to in paragraph (1) (c), nil."

(c) After paragraph (3) (b) there shall be inserted the following sub-paragraph:
"in the case of an application referred to in paragraph (1) (c), nil"

(4) In regulation 5 for the table there shall be substituted the following table—

Column (1)	*Column (2)*	*Column (3)*	*Column (4)*
Establishment, agency	*Amount payable*	*Amount payable for each approved place*	*Annual fee due on*
Residential Care Home; Nursing Home; Children's Home.		£46 £46 £46	(a) in the case of an existing provider, the anniversary of the date on which the annual fee was payable under the 1992 Order or the 1995 Order and thereafter on that date; (b) in the case of a previously exempt provider, registered from 1st April 2005, in accordance with Articles 4 to 7 of the Commencement No. 3 Order, on the anniversary of that date and thereafter on that date; (c) in the case of a new provider, on the anniversary of the date on which the registration certificate was issued and thereafter on that date.
Nursing agency	£15	—	(a) in the case of an existing provider, on the anniversary of the date on which the licence was first issued under the 1971 Act and thereafter on the anniversary of that date; (b) in the case of a new provider, on the anniversary of the date on which the registration certificate is issued and thereafter on that date.
Independent Hospital		£46	(a) in the case of an existing provider, the anniversary of the date on which the annual fee was payable under the 1992 Order and thereafter on that date; (b) in the case of a new provider, on the anniversary of the date on which the registration certificate is issued and thereafter on that date.

Column (1)	*Column (2)*	*Column (3)*	*Column (4)*
Establishment, agency	*Amount payable*	*Amount payable for each approved place*	*Annual fee due on*
Independent Clinic	£215	—	(a) in the case of an existing provider, the anniversary of the date on which the annual fee was payable under the 1992 Order and thereafter on that date; (c) in the case of a new provider, on the anniversary of the date on which the registration certificate is issued and thereafter on that date.
Independent Medical Agency	£215	—	on the anniversary of the date on which the registration certificate is issued and thereafter on that date
Domiciliary Care Agency	Nil	Nil	
Day Care Setting	Nil	Nil	
Residential Family Centre	Nil	Nil	
Adult Placement Agency	Nil	Nil	

3. In regulation 6—

(1) in paragraph (1) for "paragraphs 2 to 5" there shall be substituted "paragraphs 2 to 5A".

(2) after paragraph (5) there shall be inserted the following paragraph—

"(5A)—(a) An establishment or agency whose premises are used as a domiciliary care agency, a day care setting, a residential family centre or an adult placement agency shall be inspected, subject to sub-paragraph (2), on a minimum of once in every twelve month period.

(b) In the case of an establishment or agency in respect of which a person is registered for the first time in a 12 month period, no inspection shall be required in that period."

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 29th March 2007.

(L.S.) *M. Briscoe*

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 further amend the Regulation and Improvement Authority (Fees and Frequency of Inspections) Regulations (Northern Ireland) 2005 (the principal regulations).

Regulation 2 of these Regulations amends Part II of the principal regulations to include reference to establishments and agencies which have been regulated from 30 April 2007 — a domiciliary care agency, a day care setting, a residential family centre and an adult placement agency.

Fee charges for these new establishments and agencies have been set at nil pending full consideration and review of an appropriate fee charging structure.

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