



Jersey

REGULATION OF CARE (TRANSITIONAL PROVISIONS) (JERSEY) REGULATIONS 2022

Official Consolidated Version

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

Showing the law from 1 January 2023 to Current



Jersey

**REGULATION OF CARE (TRANSITIONAL
PROVISIONS) (JERSEY) REGULATIONS 2022**

Contents

Regulation

1	Interpretation	3
2	Care home service	3
3	Home care service	4
4	Persons undertaking new regulated activities	4
5	Citation and commencement	5

ENDNOTES **6**

Table of Legislation History	6
Table of Endnote References	6



Jersey

REGULATION OF CARE (TRANSITIONAL PROVISIONS) (JERSEY) REGULATIONS 2022

THE STATES make these Regulations under Article 49 of the [Regulation of Care \(Jersey\) Law 2014](#) –

Commencement [[see endnotes](#)]

1 Interpretation

(1) In these Regulations –

“Amendment of Law Regulations” means the Regulation of Care (Regulated Activities) (Amendment of Law) (Jersey) Regulations 2022;

“as amended” means as amended by the Amendment of Law Regulations;

“care home service” is construed in accordance with paragraph 4 of Schedule 1 to the Law, as amended;

“children and family community nursing service” is construed in accordance with paragraph 15 of Schedule 1 to the Law, as amended;

“children’s home service” is construed in accordance with paragraph 7 of Schedule 1 to the Law, as amended;

“commencement date” means the date on which the Amendment of Law Regulations come into force;

“finally determined” means, in relation to an application for registration under Article 4 of the Law, that the Commission has made a decision on the application and either the time for appealing that decision under Article 44 of the Law has expired without an appeal having been made, or, if an appeal was made, that appeal has been concluded;

“home care service” is construed in accordance with paragraph 5 of Schedule 1 to the Law, as amended;

“Law” means the [Regulation of Care \(Jersey\) Law 2014](#).

(2) Except as defined in paragraph (1), words and phrases used in these Regulations which also occur in Schedule 1 to the Law, as amended, have the same meaning for the purposes of these Regulations as given in that Schedule.

2 Care home service

(1) Any registered provider of a care home service that immediately before the commencement date, provided a care home service only in respect of children, is

treated on the commencement date as being registered as a provider of a children's home service.

- (2) Any individual who, immediately before the commencement date, was registered as a manager of a care home service referred to in paragraph (1), and who upon the commencement date continues to act as a manager, is treated on the commencement date as being registered as a manager of a children's home service.
- (3) Not later than 3 months after the commencement date, the Commission must –
 - (a) in accordance with Article 8(2)(d) of the Law, enter in the register the new regulated activity that, from the commencement date, is regulated in respect of a registered provider to whom paragraph (1) applies and, if applicable, a manager to whom paragraph (2) applies;
 - (b) inform, in writing, the registered provider and, if applicable, the registered manager that the entry referred to in sub-paragraph (a) has been made; and
 - (c) in accordance with Article 8(6) of the Law, issue a fresh certificate.
- (4) Despite Article 41 of the Law, the Commission may not charge a fee for performing the requirements listed in paragraph (3).
- (5) In this Regulation “new regulated activity” means the provision of a children's home service.

3 Home care service

- (1) This Regulation applies to a person who, immediately before the commencement date, is a registered provider of a home care service and from the commencement date also provides a children and family community nursing service.
- (2) A person to whom this Regulation applies –
 - (a) is not liable to be convicted of an offence under Article 3 of the Law for a period of 6 months following the commencement date, if the person has, within that 6-month period, applied in accordance with Article 4 of the Law –
 - (i) to be registered as a provider of a children and family community nursing service, and
 - (ii) where applicable, for the registration of an individual as the manager in relation to that service; and
 - (b) the 6-month period has expired before the application mentioned in sub-paragraph (a) is finally determined.
- (3) For the avoidance of doubt, nothing in this Regulation affects the registration in respect of the provision of a home care service by a person to whom this Regulation applies.
- (4) Despite Article 41 of the Law, the Commission may not charge a fee in respect of an application for registration by, or for the issue of a certificate to, a person to whom this Regulation applies.

4 Persons undertaking new regulated activities

- (1) This Regulation applies to a person who –
 - (a) is not a person to whom Regulation 2 or 3 applies; and
 - (b) on or after the commencement date, is carrying on or managing a new regulated activity.

- (2) A person to whom this Regulation applies –
 - (a) is not liable to be convicted of an offence under Article 3 of the Law for a period of 6 months following the commencement date, if the person has, within that 6-month period, applied in accordance with Article 4 of the Law –
 - (i) to be registered as a provider of a new regulated activity, and
 - (ii) where applicable, for the registration of an individual as the manager in relation to that new regulated activity; and
 - (b) the 6-month period has expired before the application mentioned in subparagraph (a) is finally determined.
- (3) In this Regulation “new regulated activity” means the provision of a regulated activity under Part 3 (provision of health or social care services for, or in respect of, children and young people) of Schedule 1 to the Law, as amended.

5 Citation and commencement

These Regulations may be cited as the Regulation of Care (Transitional Provisions) (Jersey) Regulations 2022 and come into force immediately after the commencement of the Amendment of Law Regulations.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Regulation of Care (Transitional Provisions) (Jersey) Regulations 2022	R&O.57/2022	1 January 2023	P.47/2022

Project available at statesassembly.gov.je

Table of Endnote References

There are currently no endnote references