



Jersey

REGULATION OF CARE (TRANSITIONAL AND TRANSFER) (JERSEY) REGULATIONS 2018

Arrangement

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Made

20th November 2018

Coming into force

1st January 2019

THE STATES, in pursuance of Article 49 of the Regulation of Care (Jersey) Law 2014¹, have made the following Regulations –

1 Interpretation

In these Regulations –

“1978 Law” means the Nursing Agencies (Jersey) Law 1978² as it applied before the commencement date;

“1994 Law” means the Nursing and Residential Homes (Jersey) Law 1994³ as it applied before the commencement date;

“2014 Law” means the Regulation of Care (Jersey) Law 2014⁴;

“commencement date” means the date that the Regulation of Care (Regulated Activities) (Jersey) Regulations 2018⁵ come into force;

“enforcement action” means any action taken by or on behalf of the Minister to enforce the 1978 Law or the 1994 Law and includes any action taken by way of prosecution under either of those Laws;

“finally determined” means, in relation to an application for registration under the 2014 Law, that the Commission has made a decision on the application and either the time for appealing that decision has expired without such an appeal being made, or, if such an appeal was made, that appeal has been concluded;

“Minister” means Minister for Health and Social Services.

2 Licensed nursing agencies

- (1) A holder of a licence granted under Article 2 of the 1978 Law that was in force immediately before the commencement date is treated on the commencement date as being registered as the provider of a home care service under the 2014 Law.

- (2) A person treated as being the registered provider of a home care service under paragraph (1) who cancels that registration within 30 days is not liable to pay any fees in respect of such registration.
- (3) A person treated as being the registered provider of a home care service under paragraph (1) is not liable to be convicted of an offence under Article 3 of the 2014 Law –
 - (a) for a period of 6 months following the commencement date; and
 - (b) if that person has applied to register a manager under Article 4 of that Law within that 6-month period and that period has expired, before that application has been finally determined.

3 Registered homes

- (1) A person carrying on a home that was registered under Article 4 of the 1994 Law immediately before the commencement date is treated on the commencement date as being registered as a provider of a care home service under the 2014 Law.
- (2) A person treated as being the registered provider of a care home service under paragraph (1) on the commencement date who cancels that registration within 30 days is not liable to pay any fees in respect of such registration.
- (3) A person treated as being the registered provider of a care home service under paragraph (1) is not liable to be convicted of an offence under Article 3 of the 2014 Law for a period of 6 months following the commencement date.

4 Persons undertaking regulated activity not previously registered

- (1) This Regulation applies to a person who, after the commencement date, is carrying on or managing a regulated activity that was not registered under either the 1978 Law or the 1994 Law.
- (2) A person to whom this Regulation applies is not liable to be convicted of an offence under Article 3 of the 2014 Law –
 - (a) for a period of 6 months following the commencement date; and
 - (b) if the person has applied to register that regulated activity under Article 4 of that Law within that 6-month period and that period has expired, before that application has been finally determined.

5 Enforcement action under 1978 Law or 1994 Law

Where any enforcement action has been taken under the 1978 Law or the 1994 Law before the commencement date but the outcome of that action has not been concluded by that date, the action may continue after the commencement date until such conclusion as if the Law under which it was taken was still in force as it applied immediately before the commencement date.

6 Transfer of records

- (1) Any records held by the Minister in relation to any services under –
 - (a) the 1978 Law; or
 - (b) the 1994 Law other than services for which registration is unaffected by the commencement date,
are, on the commencement date, transferred to the Commission.
- (2) However, the Minister continues to have the right to access the records.

7 Citation and commencement

These Regulations may be cited as the Regulation of Care (Transitional and Transfer) (Jersey) Regulations 2018 and shall come into force on the commencement date.

L.-M. HART

Deputy Greffier of the States

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- 1 *chapter 20.820*
 - 2 *chapter 20.700*
 - 3 *chapter 20.725*
 - 4 *chapter 20.820*
 - 5 *R&O.118/2018*