

Changes to legislation: *Health and Personal Social Services (Northern Ireland) Order 1972, SCHEDULE 3 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

^{F1}SCHEDULE 3

F1 Sch. 3 repealed (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), s. 34(3), Sch. 6 para. 3(48), [Sch. 7](#); S.R. 2009/114, [art. 2](#)

PART I

THE CONSTITUTION OF THE AGENCY

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1. The Agency shall be a body corporate with perpetual succession to which section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply.

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2. The Agency shall, notwithstanding that it is exercising functions on behalf of the Ministry or any other body associated with health or personal social services, be entitled to enforce any rights acquired and shall be liable in respect of any liabilities incurred (including liabilities in tort) in the exercise of those functions in all respects as if it were acting as a principal, and all proceedings for the enforcement of such rights or liabilities shall be brought by or against the Agency in its own name.

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3.—(1) Subject to sub-paragraph (2), the Agency shall consist of a chairman, vice-chairman and such number of other members as the Minister thinks fit.

(2) The chairman and vice-chairman of the Agency shall be appointed by the Minister and other members shall be so appointed after consultation with the Health and Social Services Boards and any other interests which appear to the Minister to be concerned.

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4. The Ministry may, by regulations, make provision for—

- (a) the appointment, tenure, and vacation of office, of the chairman, vice-chairman and other members of the Agency;
- (b) enabling alternate members to attend in place of any member of the Agency who may be absent;

or if no such regulations are in force, may determine any of those matters.

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5. The proceedings of the Agency or of any committee thereof shall not be invalidated by any vacancy in the membership of the Agency or committee or by any defect in the appointment of any of its members.

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PART II

SUPPLEMENTARY PROVISIONS AS TO THE AGENCY

Acquisition, etc., of land

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6. So much of section 19 of the Interpretation Act (Northern Ireland) 1954 as relates to the acquisition of land shall not apply to the Agency and any power conferred by that section to acquire movable property shall be exercised on behalf of the Ministry.

Committees

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7.—(1) The Agency shall, subject to sub-paragraph (5), appoint such committees as the Ministry may determine.

(2) Without prejudice to sub-paragraph (1), the Agency may, subject to sub-paragraph (5), appoint one or more committees to which it may delegate such of its functions as it thinks fit.

(3) A committee appointed under this paragraph may include persons who are not members of the Agency.

(4) Every member of a committee appointed under this paragraph, who, at the time of his appointment, was a member of the Agency shall, if he ceases to be a member of the Agency, also cease to be a member of the committee.

(5) The Ministry may, by regulations or directions, make provision with respect to the appointment, constitution or functions of committees appointed under this paragraph.

Sub-committees

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8.—(1) The Agency, or a committee appointed by the Agency, may, subject to sub-paragraph (3), appoint a sub-committee to consider and report to the Agency or, as the case may be, the committee, upon any matter within the competence of the Agency or that committee.

(2) A sub-committee appointed under sub-paragraph (1) may include persons who are not members of the Agency or committee which appoints the sub-committee.

(3) The Ministry may, by regulations or directions, make provision with respect to the appointment, constitution or functions of sub-committees appointed under sub-paragraph (1).

Procedure

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9. The Agency shall make standing orders with regard to its procedure (including the fixing of a quorum) and that of its committees and sub-committees which shall be subject to the approval of the Ministry.

Disclosure of pecuniary, etc., interests and related provisions

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10. Sections 28 to 33 and 146 of the Local Government Act (Northern Ireland) 1972 and section 148 of that Act so far as it applies for the interpretation of those sections, shall apply to the Agency and to a committee and sub-committee thereof and to a member of the Agency and of such committee and sub-committee as if—

- (a) in those sections any reference to a council were a reference to the Agency or to a committee or sub-committee thereof, any reference to a councillor were a reference to a member of the Agency or of a committee or sub-committee thereof, any reference to the

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clerk of the council were a reference to the chief . . . officer of the Agency and any reference to that Act were a reference to this Order;

- (b) in section 28(4) of that Act the words “or 46” were omitted and for the words from “by any local elector” onwards there were substituted the words “by any person.”.

Officers

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11.—(1) The qualifications, remuneration and conditions of service of officers of the Agency shall be determined by the Ministry.

(2) Regulations may make provision with respect to—

- (a) the method of appointment of officers of the Agency; and
- (b) the qualifications, remuneration and conditions of service of such officers of the Agency as may be prescribed;

and an officer such as is mentioned in head (b) shall not be employed otherwise than in accordance with the regulations.

(3) The appointment and removal from office of such officers of the Agency as may be prescribed shall be subject to the approval of the Ministry.

The seal

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12. The seal of the Agency shall be authenticated by the signatures of at least one member of the Agency and of the person for the time being acting as chief . . . officer of the Agency.

Execution of contracts and instruments not under seal

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13. Any contract or instrument which, if entered into or executed by an individual, would not require to be executed as a deed may be entered into or executed on behalf of the Agency by any person generally or specifically authorised by the Agency to act for that purpose and any document purporting to be such a contract or instrument shall be deemed to be such a contract or instrument until the contrary is proved.

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Changes and effects yet to be applied to :

- Instrument amended by [1995 c. 51 s.4Sch. para.30](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 56(4C)(4D) substituted by [S.I. 2002/3135 Sch. 1 para. 16](#) (This amendment has not been applied as it has been superceded by the substitution of art. 56 by 2004/311 NI 2 art. 3)
- art. 61-61E and art. 61F and cross-heading substituted for art. 61 by [2008 c. 2 \(N.I.\) s. 2\(2\)](#) (This amending provision is itself amended (13.6.2016) before it comes into force by 2016 c. 26 (N.I.), ss. 9, 20(2))
- art. 98(3) added by [2008 c. 2 \(N.I.\) s. 4\(1\)](#)
- art. 107(1A) inserted by [2008 c. 2 \(N.I.\) s. 4\(4\)\(b\)](#)