



## 2009 CHAPTER 1

### *Supplementary*

#### **Orders, regulations, guidance and directions**

**29.**—(1) No order shall be made under section 13(5), 15(6) or 30(1) unless a draft of the order has been laid before, and approved by resolution of, the Assembly.

(2) Regulations under this Act and orders under section 24(4) or 26(3) are subject to negative resolution.

(3) Any guidance issued or directions given by the Department or the Regional Board under this Act—

- (a) shall be in writing; and
- (b) may be varied or revoked by subsequent guidance or directions so issued or given.

(4) Regulations and orders under this Act may contain such incidental, supplementary, transitional and savings provisions as appear to the Department to be necessary or expedient.

#### **Further provision**

**30.**—(1) The Department may by order make such supplementary, incidental or consequential provision as it thinks necessary or expedient—

- (a) for the general purposes, or any particular purpose, of this Act; or
- (b) in consequence of any provision made by or under this Act, or for giving full effect to this Act or any such provision.

(2) An order under subsection (1) may apply (with or without modifications), amend or repeal any statutory provision passed or made before the passing of this Act.

(3) The Department may by order make such transitional or transitory provisions and savings as it considers appropriate in connection with—

- (a) the coming into operation of any provision of this Act; or
- (b) any provision made by an order under subsection (1).

(4) The powers conferred by this section are not restricted by any other power conferred by this Act.

### **Interpretation**

**31.—(1)** In this Act—

“the Central Services Agency” means the Northern Ireland Central Services Agency for the Health and Social Services established under Article 26 of the Order of 1972;

“the Department” means the Department of Health, Social Services and Public Safety;

“the framework document” has the meaning given in section 5;

“the health and social care bodies” has the meaning given in section 1(5);

“Health and Social Services Board” means a body established under Article 16 of the Order of 1972;

“health care” has the meaning given in section 2(5);

“health inequalities” has the meaning given in section 2(5);

“HSC trust” means a Health and Social Care trust established under Article 10 of the [Health and Personal Social Services \(Northern Ireland\) Order 1991 \(NI 1\)](#);

“the Mental Health Commission” means the Mental Health Commission for Northern Ireland established under Part 6 of the [Mental Health \(Northern Ireland\) Order 1986 \(NI 4\)](#);

“the Order of 1972” means the [Health and Personal Social Services \(Northern Ireland\) Order 1972 \(NI 14\)](#);

“prescribed” means prescribed by regulations;

“the Regional Agency” means the Regional Agency for Public Health and Social Well-being established under section 12;

“the Regional Board” means the Regional Health and Social Care Board established under section 7;

“RBSO” means the Regional Business Services Organisation established under section 14;

“RQIA” means the Health and Social Care Regulation and Quality Improvement Authority;

“regulations” means regulations made by the Department;

“social care” has the meaning given in section 2(5);

“special agency” means a special health and social care agency established under Article 3 of the [Health and Personal Social Services \(Special Agencies\) \(Northern Ireland\) Order 1990 \(NI 3\)](#);

“statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).

(2) Other expressions used in this Act to which a meaning is given in Article 2(2), (3) or (4) of the Order of 1972 have the same meaning in this Act as in that Order.

### **Minor and consequential amendments**

**32.** The statutory provisions mentioned in Schedule 6 have effect subject to the minor and consequential amendments specified there.

### **Repeals**

**33.** The statutory provisions mentioned in the first column of Schedule 7 (which include provisions which are spent or no longer of any practical utility) are repealed to the extent specified in the second column of that Schedule.

### **Commencement**

**34.—**(1) The following provisions come into operation on Royal Assent—

- (a) section 23 and Schedule 5;
- (b) section 24(4) to (7);
- (c) section 26(3) to (6);
- (d) section 28 to 31;
- (e) this section; and
- (f) section 35.

(2) The following provisions come into operation on Royal Assent insofar as they confer power to make regulations or orders—

- (a) section 7(2) and Schedule 1;
- (b) section 9;
- (c) section 12(2) and Schedule 2;
- (d) section 14(2) and Schedule 3;
- (e) section 16(2) and Schedule 4;

(f) section 17; and

(g) section 18.

(3) The other provisions of this Act come into operation on such day or days as the Department may by order appoint.

**Short title**

**35.** This Act may be cited as the Health and Social Care (Reform) Act (Northern Ireland) 2009.