
Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Reform) Act (Northern Ireland) 2009, Cross Heading: The Order of 1972. (See end of Document for details)

SCHEDULES

SCHEDULE 6

MINOR AND CONSEQUENTIAL AMENDMENTS

The Order of 1972

- 3.—(1) In Article 2(2) (interpretation)—
- (a) omit the definitions of “the Agency”, “Health and Social Services Board”, “Health and Social Services trust”, “health services”, “the Ministry”, “order”, “personal social services”, “regulations”, “special agency” and “waters forming part of a port”;
 - (b) in the definition of “directions” for the words from “and” to the end substitute “ given by the Department ”;
 - (c) at the appropriate place, insert the following definition—
 - ““the 2009 Act” means the Health and Social Care (Reform) Act (Northern Ireland) 2009;”;
 - (d) in the definition of “mental disorder” for “Act” substitute “ Order ”.
- (2) After Article 2(2) insert—
- “(2A) In this Order the following expressions have the meanings given to them by section 31(1) of the 2009 Act—
 - “the Department”;
 - “health care”;
 - “health and social care bodies”;
 - “health inequalities”;
 - “HSC trust”;
 - “the Regional Agency”;
 - “the Regional Board”;
 - “RBSO”;
 - “RQIA”;
 - “regulations”;
 - “social care”; and
 - “special agency”.”.

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- (3) Omit Article 4 (general duty of the Department).
- (4) In Article 5 (provision of accommodation and medical services, etc.)—
 - (a) after “this Order” (wherever occurring) insert “ or the 2009 Act ”, and
 - (b) in paragraph (2) for “Article 4(a)” substitute “ section 2(1)(a) of the 2009 Act ”.
- (5) In Articles 10(1)(a) (ancillary services) and 13 (education and research facilities) after “this Order” insert “ or the 2009 Act ”.
- (6) In Article 15(1) (general social welfare) for “Article 4(b)” substitute “ section 2(1)(b) of the 2009 Act ”.
- (7) Omit Article 16 (establishment of Health and Social Services Boards).
- (8) In Article 17 (functions of Health and Social Services Boards) omit subparagraphs (1)(a) and (2).
- (9) In Article 18 (schemes)—
 - (a) in paragraph (1) for “Health and Social Services Board” substitute “ body to which this Article applies ”;
 - (b) in paragraph (3) for “Health and Social Services Board” substitute “ body ”;
 - (c) in paragraphs (4) and (5) for “Health and Social Services Board” substitute “ body to which this Article applies ”;
 - (d) at the end add—
 - “(6) This Article applies to—
 - (a) the Regional Board;
 - (b) a Local Commissioning Group;
 - (c) the Regional Agency.”.
- (9) Omit Article 19 (joint committees).
- (10) In Article 21 (university liaison committees) for paragraph (1) substitute—
 - “(1) The Department may by order establish University Liaison Committees for the purpose of—
 - (a) advising the Regional Board and the Regional Agency on the administration of health care in relation to the provision of facilities for undergraduate or post-graduate clinical teaching or for research, and
 - (b) advising the Regional Board, the Regional Agency and the university or universities concerned on any matter of common interest to them.”.
- (11) In Article 21(2)(c) after “Order” insert “ or the 2009 Act ”.

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(12) In Article 24(1) (central advisory committees) after “this Order” (twice) insert “ or the 2009 Act ”.

(13) In Article 25(1) (other advisory committees) for “Article 4” substitute “ section 2 of the 2009 Act ”.

(14) Omit Articles 26 and 27 (the Northern Ireland Central Services Agency for Health and Social Services).

(15) In Article 31(1)(a) (accommodation and services for private patients) after “Order” insert “ or the 2009 Act ”.

(16) In Article 38(1)(a) (protection of property of certain persons) after “Order” insert “ or the 2009 Act ”.

(17) In Article 39(1) (burial, etc, of the dead) after “Order” insert “ or the 2009 Act ”.

(18) In Article 41 (availability or provision of services, etc.) after “Order” (twice) insert “ or the 2009 Act ”.

(19) In Article 42(1) (provision of services to persons not ordinarily resident in Northern Ireland) after “Order” insert “ or the 2009 Act ”.

(20) In Article 45(1) (travelling expenses of patients, etc.)—

(a) in sub-paragraph (a) after “this Order” insert “ , the 2009 Act ”; and

(b) in sub-paragraph (c) after “Order” insert “ or the 2009 Act ”.

(21) In Article 46 (provision of residential accommodation for officers) in sub-paragraphs (a) and (b) after “Order” insert “ or the 2009 Act ”.

(22) In Article 48(1) and (1A) (land) for “any of the health or social services” substitute “ health or social care ”.

(23) In Article 51 (powers of Department where services are inadequate) after “Order” (second time) insert “ or the 2009 Act ”.

(24) In Article 52(2) (powers of Department in emergency) after sub-paragraph (g) insert—

“and

(h) the 2009 Act.”.

(25) In Article 53 (default powers) in paragraph (1) for the words from “any Health” to “Agency” substitute “ any body to which this Article applies ”.

(26) After Article 53(1) insert—

“(1A) This Article applies to the following bodies—

(a) the Regional Board;

(b) the Regional Agency;

(c) RBSO;

(d) HSC trusts; and

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(e) special agencies.”.

(27) In Article 55 (recognition of local representative committees)—

(a) in paragraphs (2) and (3) for “its area” substitute “ an area ”;

(b) in paragraph (5)(c)—

(i) for “the area of a Health and Social Services Board” substitute “ an area ”, and

(ii) omit “but is not himself on a list”; and

(c) in paragraph (5)(d) for “the area of a Health and Social Services Board” substitute “ an area ”;

(d) in paragraph (6) for “its area” substitute “ the area ”;

(e) in paragraph (7) omit sub-paragraph (b) and the word “and” preceding it.

(28) In Article 55A(5) (functions of local representative committees) for “its area” substitute “ an area ”.

(29) In Article 55B(1) (local medical committees) for the words from “formed” to “Boards” substitute “ formed for an area ”.

(30) In Article 56 (primary medical services)—

(a) in paragraph (1), omit “within its area” (twice), and

(b) in paragraph (2), omit “(whether within or outside its area)” (twice).

(31) In Article 57(4) (general medical services contracts: introductory) omit sub-paragraph (b).

(32) In Article 57G(3)(c) (persons performing primary medical services) omit the words from “as to” to “made, and”.

(33) In Article 67 (co-operation) for the words from the beginning to “special agencies” substitute “ In exercising their respective functions, health and social care bodies ”.

(34) In Article 68 (supply of goods and services to certain persons and bodies)—

(a) in paragraph (1) for “a body to which this Article applies” (twice) substitute “ a health and social care body ”;

(b) omit paragraph (3).

(35) In Article 69 (supply of goods and services to district councils)—

(a) in paragraph (1) for “a body to which this Article applies” substitute “ a health and social care body ”;

(b) omit paragraph (2).

(36) Omit Article 84 (powers of Department in cases of difficulty).

(37) In Article 87 (expenses of certain bodies)—

(a) for the heading substitute “ Expenses of the special agencies ”;

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(b) in paragraph (1), for the words from the beginning to “Agency” substitute “(1) The Department shall pay to the special agencies”;

(c) omit paragraph (2).

(38) In Article 88(1) (regulation of financial matters of certain bodies) for the words from “Health” to “Agency” substitute “ special agency ”.

(39) In Article 89(1)(a) (remuneration of members of bodies and certain other persons) omit head (iii).

(40) In Article 90(6) (accounts and audit) omit sub-paragraphs (a) and (b).

(41) In Article 91(6) (accounts of endowments and other property held on trust) for sub-paragraph (a) substitute—

“(a) the Regional Board;

(aa) the Regional Agency;”.

(42) In Article 92B(3) (studies for improving economy, etc. in services) for sub-paragraphs (a) and (b) substitute—

“(a) the Regional Board;

(aa) the Regional Agency;

(b) RBSO;”.

(43) In Article 94(1) after “Order” insert “ or the 2009 Act ”.

(44) In Article 96 (preservation of associations of denominational hospitals) for “Health and Social Services Board” substitute “ HSC trust ”.

(45) In Article 97(1) (protection for officer acting in execution of his duty) for the words from the beginning to the end of sub-paragraph (e) substitute “ An officer of a health and social care body ”.

(46) In Article 98(1) (services free of charge) after “1997” insert “ or the 2009 Act ”.

(47) In Article 107(1) (orders, regulations and directions) omit “16(1)” and “orders made under Article 76(1) to which paragraph 1(a) to (e) of Schedule 13 applies”.

(48) Omit Schedule 1 (Health and Social Services Boards) and Schedule 3 (the Agency).

^{F1}(49)

(50) In Schedule 10 (prohibition on sale of medical practices)—

(a) in paragraph 1(1) omit “in that Board's area”;

^{F2}(b)

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Textual Amendments

- F1** Sch. 6 para. 3(49) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 242(a)**; S.R. 2022/102, art. 2(b)
- F2** Sch. 6 para. 3(50)(b) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 242(a)**; S.R. 2022/102, art. 2(b)

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