

## SCHEDULES

### SCHEDULE 6

Section 32.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

*General amendment of certain references to health and social services, etc.*

- 1.—(1) In any provision of Northern Ireland legislation—
  - (a) for “personal social services” or “social services” substitute “social care”;
  - (b) for “health services” substitute “health care”;
  - (c) for “Health and Social Services trust” substitute “Health and Social Care trust”;
  - (d) for “HSS trust” substitute “HSC trust”;
  - (e) for “HSS contract” substitute “HSC contract”;
  - (f) for “HSS employee” substitute “HSC employee”.
- (2) Sub-paragraph (1)(a) does not apply to any reference to the name of the Department.
- (3) Sub-paragraph (1) does not apply—
  - (a) to any reference in the title of an Act, Order in Council or other statutory provision;
  - (b) to any reference in this Act or to any reference which is subject to amendment or repeal by or under any other provision of this Act; or
  - (c) where the context otherwise requires.

#### *The Public Health Act (Northern Ireland) 1967 (c. 36)*

- 2.—(1) For any reference to the Director of Public Health of a Health and Social Services Board substitute a reference to the Director of Public Health.
- (2) For any other reference to a Health and Social Services Board substitute a reference to the Regional Agency.
- (3) In section 32 (interpretation) at the appropriate places insert—

““Director of Public Health” means the Director of Public Health for Northern Ireland (see Article 32 of the [Health and Personal Social Services \(Northern Ireland\) Order 1991](#));”;

“the Regional Agency” means the Regional Agency for Public Health and Social Well-being;”.

*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”.”.
- (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”.
- (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

(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

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- (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”;
  - (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).

(49) In Schedule 6 (removal to suitable premises of persons in need of care and attention) in paragraph 12(a)(ii) for the words from “the Health” to “resides” substitute “the Regional Board”.

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

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

(b) in paragraph 2(2), for the words from “the Health” to “situated” substitute “the Regional Board”.

*The Northern Ireland Assembly Disqualification Act 1975 (c. 25)*

4.—(1) Schedule 1 (offices disqualifying for membership of the Assembly) is amended as follows.

(2) In Part 2 of that Schedule omit the entry relating to the Mental Health Commission for Northern Ireland.

(3) In Part 3 of that Schedule—

(a) omit the entries relating to—

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- (i) the Chairman or any member, not also being an employee, of a Health and Social Services Board, and
- (ii) the Chairman of the Northern Ireland Central Services Agency for the Health and Social Services; and
- (b) at the appropriate places insert—
  - “Chair or any member, not also being an employee, of the Patient and Client Council established under section 16 of the Health and Social Care (Reform) Act (Northern Ireland) 2009.”;
  - “Chair or any member, not also being an employee, of the Regional Health and Social Care Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009.”;
  - “Chair or any member, not also being an employee, of the Regional Agency for Public Health and Social Well-being established under section 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009.”;
  - “Chair or any member, not also being an employee, of the Regional Business Services Organisation established under section 14 of the Health and Social Care (Reform) Act (Northern Ireland) 2009.”.

*The Solicitors (Northern Ireland) Order 1976 (NI 12)*

5. In Article 3(2) (interpretation) in the definition of “local authority” for the words from “or the” (first time) to “1972” substitute “, the Regional Health and Social Care Board, the Regional Business Services Organisation, the Regional Agency for Public Health and Social Well-being”.

*The Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c. 53)*

6.—(1) In section 1 (information as to need for and existence of social welfare services) in subsections (1) and (2) for “Articles 4(b) and” substitute “section 2(1)(b) of the Health and Social Care (Reform) Act (Northern Ireland) 2009 and Article”.

- (2) In section 2 (provision of social welfare services)—
  - (a) for “Articles 4(b) and” substitute “section 2(1)(b) of the Health and Social Services (Reform) Act (Northern Ireland) 2009 and Article”, and
  - (b) in paragraph (d) for “the said Articles 4(b) and 15” substitute “section 2(1)(b) of the Health and Social Care (Reform) Act (Northern Ireland) 2009 and Article 15 of the Health and Personal Social Services (Northern Ireland) Order 1972”.

*The Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)*

7. In Article 51(2)(b) (remand for inquiry into physical or mental condition), for “the Mental Health Commission for Northern Ireland” substitute “the Health and Social Care Regulation and Quality Improvement Authority”.

*The Mental Health (Northern Ireland) Order 1986 (NI 4)*

8.—(1) Subject to sub-paragraphs (2) to (4), in the Order for “the Commission” (meaning the Mental Health Commission) substitute “RQIA”.

(2) In Article 2(2) (interpretation)—

(a) omit the definition of “the Commission”;

(b) in the definition of “responsible authority” for sub-paragraph (ii) of paragraph (a) and sub-paragraph (ii) of paragraph (b) substitute—

“(ii) in any other case, the Regional Health and Social Care Board;”;

(c) at the appropriate place in alphabetical order insert—

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

(3) In Article 16(3)(d) (correspondence of detained patients) omit “, any Commissioner thereof”.

(4) For Article 85 (establishment of Mental Health Commission for Northern Ireland) substitute—

**“Duties of RQIA in relation to mental health**

**85.** RQIA shall exercise—

(a) such functions under this Order as are transferred to it by section 25 of the Health and Social Care (Reform) Act (Northern Ireland) 2009, and

(b) such other functions relating to or connected with mental health as the Department may by order prescribe.”.

(5) Omit Articles 88 and 89 and Schedule 4.

(6) In Article 112 for “A Board” substitute “The Regional Health and Social Care Board and the Regional Agency for Public Health and Social Well-being”.

*The AIDS (Control) (Northern Ireland) Order 1987 (NI 18)*

9.—(1) In Article 2(2) (interpretation)—

(a) omit the definitions of “Board” and “HSS trust”;

(b) at the end add—



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““relevant body” means the Regional Health and Social Care Board, the Regional Agency for Public Health and Social Well-being and a health and social care trust.”.

- (2) In Article 3 (reports)—
- (a) in paragraph (1) for “Board and by each HSS trust” substitute “relevant body”.
  - (b) in paragraph (2) for “Board or HSS trust” substitute “relevant body”.
- (3) In the Schedule (contents of reports) for “Board or HSS trust” substitute “relevant body”.

*The Water (Fluoridation) (Northern Ireland) Order 1987 (NI 21)*

- 10.** In Article 3 (fluoridation of water supplies)—
- (a) omit paragraph (3); and
  - (b) in paragraph (5), for the words from the beginning to “application” substitute “In making arrangements with the Department in pursuance of an application, the Regional Health and Social Care Board”.

*The Health and Medicines (Northern Ireland) Order 1988 (NI 24)*

- 11.**—(1) In Article 3 (powers for financing health services) in paragraph (3)(a) after “principal Order” insert “or the 2009 Act”.
- (2) In Article 11 (transfer of staff) after “principal Order” insert “or the 2009 Act (within the meaning of the principal Order)”.

*The Disabled Persons (Northern Ireland) Act 1989 (c. 10)*

- 12.** In section 2(5)(b) (rights of authorised representatives of disabled persons) for “Articles 4(b) and” substitute “section 2(1)(b) of the Health and Social Care (Reform) Act (Northern Ireland) 2009 and Article”.

*The Health and Personal Social Services (Northern Ireland) Order 1991 (NI 1)*

- 13.**—(1) In Article 2(2) (interpretation) at the appropriate place insert—
- ““the Regional Board” means the Regional Health and Social Care Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;”.
- (2) In Article 2(3) after “Article 2(2)” insert “and (2A)”.
  - (3) Omit Article 3 (constitution of Health and Social Services Boards) and Article 4 (Health and Social Services Councils).
  - (4) In Article 7 (removal of Crown immunities)—

- (a) omit paragraph (1);
- (b) in paragraphs (2) to (4) for “health and social services body” substitute “health and social care body to which this Article applies”;
- (c) in paragraph (2), omit sub-paragraph (b) and the word “and” immediately before it;
- (d) in paragraph (4) after “Order” insert “or the 2009 Act”;
- (e) for paragraph (6) substitute—
  - “(6) This Article applies to the following health and social care bodies—
    - (a) the Regional Board;
    - (b) the Regional Agency;
    - (c) RBSO;
    - (d) a special agency.”.
- (5) In Article 8(2) (health and social services contracts) for sub-paragraphs (a) and (b) substitute—
  - “(a) the Regional Board;
  - (aa) the Regional Agency;
  - (b) RBSO;”.
- (6) Omit Article 9 (primary and other functions of Health and Social Services Boards and special agencies).
- (7) In Article 10 (health and social care trusts)—
  - (a) for paragraph (2) substitute—
    - “(2) Before making an order under paragraph (1), the Department shall consult—
      - (a) the Patient and Client Council, and
      - (b) such other persons and bodies as the Department considers appropriate.”.
  - (b) in paragraph (3) for sub-paragraphs (a) and (b) substitute—
    - “(a) the Regional Board;
    - (aa) the Regional Agency;
    - (b) RBSO; or”.
- (8) In Article 21 (indicative amounts for doctors' practices)—
  - (a) in paragraph (1) omit the words “in relation to which it is the relevant Health and Social Services Board”;
  - (b) in paragraph (4) for “the relevant Health and Social Services Board” substitute “the Regional Board”;

(c) omit paragraphs (7) and (8A).

(9) In Article 23(1) (power to raise funds) for “Health and Social Services Boards” substitute “the Regional Board, the Regional Agency,”.

(10) In Article 24(2) (schemes for meeting losses and liabilities, etc.) for sub-paragraphs (a) and (b) substitute—

“(a) the Regional Board;

(aa) the Regional Agency;

(b) RBSO;”.

(11) In Article 32 (Director of Public Health) for paragraph (1) substitute—

“(1) The chief administrative medical officer of the Regional Agency shall be known as the Director of Public Health for Northern Ireland.

(1A) For any reference to the Director of Public Health of a Health and Social Services Board in—

(a) the statutory provisions mentioned in paragraph (2);

(b) any other statutory provision passed or made before the coming into operation of section 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009,

there shall be substituted a reference to the Director of Public Health for Northern Ireland.”.

(12) Omit Schedule 1 (health and social services councils).

(13) In Schedule 3 (health and social care trusts)—

(a) in paragraph 3 omit sub-paragraphs (1)(d), (2) and (3);

(b) omit paragraph 19;

(c) in paragraph 24 after sub-paragraph (1) insert—

“(1A) The Department must exercise its powers under sub-paragraph (1) so as to ensure that all the liabilities of the HSC trust are transferred.”.

### *The Children (Northern Ireland) Order 1995 (NI 2)*

**14.—**(1) In Article 17A(3)(a) (assessments and services for children who are carers) for “(in the case of a Board)” substitute “or section 6 of the Health and Social Care (Reform) Act (Northern Ireland) 2009”.

(2) In Article 18A(4) (assessments: carers of disabled children) for “(in the case of a Board)” substitute “or section 6 of the Health and Social Care (Reform) Act (Northern Ireland) 2009”.

(3) In Article 61(2) (right of guardian ad litem to have access to records) after “1972” insert “or section 6 of the Health and Social Care (Reform) Act (Northern Ireland) 2009”.

*The Commissioner for Complaints (Northern Ireland) Order 1996 (NI 7)*

- 15.**—(1) Schedule 2 (bodies subject to investigation) is amended as follows.
- (2) Omit the entries relating to—
- (a) a health and social services board,
  - (b) a health and social services council,
  - (c) the Mental Health Commission for Northern Ireland, and
  - (d) the Northern Ireland Central Services Agency for the Health and Social Services.
- (3) At the appropriate places insert—
- “The Patient and Client Council.”;
  - “The Regional Health and Social Care Board.”;
  - “The Regional Agency for Public Health and Social Well-being.”;
  - “The Regional Business Services Organisation.”.

*The Criminal Justice (Northern Ireland) Order 1996 (NI 24)*

- 16.**—(1) In Article 22(5) (additional requirements in the case of mentally disordered offenders) for “the Mental Health Commission for Northern Ireland” substitute “the Health and Social Care Regulation and Quality Improvement Authority”.
- (2) In Schedule 1 (additional requirements in probation orders) in paragraph 4(1) for “the Mental Health Commission for Northern Ireland” substitute “the Health and Social Care Regulation and Quality Improvement Authority”.

*The Freedom of Information Act 2000 (c. 36)*

- 17.**—(1) Schedule 1 (bodies, etc. which are public authorities for the purposes of the Act) is amended as follows.
- (2) In Part 3—
- (a) omit paragraphs 46, 47 and 50;
  - (b) after paragraph 51 insert—
- 51A.** The Regional Business Services Organisation established under section 14 of the Health and Social Services (Reform) Act (Northern Ireland) 2009.
  - 51B.** The Patient and Client Council established under section 16 of the Health and Social Care (Reform) Act (Northern Ireland) 2009.
  - 51C.** The Regional Health and Social Care Board established under section 7 of the Health and Social Care (Reform) Act (Northern Ireland) 2009.

**51D.** The Regional Agency for Public Health and Social Well-being established under section 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009.”.

(3) In Part 7 omit the entry relating to the Mental Health Commission for Northern Ireland.

*The Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3)*

- 18.**—(1) In section 51 (provision of information as to births and deaths)—
- (a) in subsections (1) and (2) for “or the Agency” substitute “, RBSO”;
  - (b) in subsection (4) for the words from “a Health” to “district” (first time) substitute “the Regional Board”.
- (2) In section 54(1) (public access to meetings of certain bodies)—
- (a) for paragraphs (a) and (b) substitute—
    - “(a) the Regional Board;
    - (aa) the Regional Agency;
    - (b) RBSO;”.
  - (b) for paragraph (e) substitute—
    - “(e) the Patient and Client Council, and”.
- (3) In section 59(2) after “Article 2(2)” insert “or (2A)”.

*The Audit and Accountability (Northern Ireland) Order 2003 (NI 5)*

- 19.**—(1) In Article 5(1) (additional bodies whose annual accounts are subject to audit by the Comptroller and Auditor General) omit sub-paragraph (1).
- (2) In Schedule 1 (amendments with respect to accounts of certain bodies) omit paragraph 12.