



Health and Social Care Act (Northern Ireland) 2022

2022 CHAPTER 3

An Act to dissolve the Regional Health and Social Care Board; to make provision for and in connection with the exercise by the Department of Health and Health and Social Care trusts of the functions of the Board; and for connected purposes. [2nd February 2022]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

The Regional Board

Dissolution of the Regional Health and Social Care Board

1. The Regional Health and Social Care Board is dissolved.

Commencement Information

- I1** S. 1 not in operation at Royal Assent, see [s. 8\(1\)\(a\)](#)
- I2** S. 1 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(a\)](#)

Transfer of the Regional Board's functions

2. Schedule 1 contains—

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- (a) amendments providing for the transfer of the Regional Board’s functions; and
- (b) amendments consequential on the transfer of those functions.

Commencement Information

- I3** S. 2 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
- I4** S. 2 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Local bodies

Continuation of Local Commissioning Groups

3.—(1) Despite the dissolution of the Regional Board, the Local Commissioning Groups appointed under section 9 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 are to continue in existence as unincorporated bodies.

(2) Schedule 2 contains provision about the Local Commissioning Groups as so continued, including provision for their dissolution.

Commencement Information

- I5** S. 3 not in operation at Royal Assent, see [s. 8\(1\)\(c\)](#)
- I6** S. 3 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(c\)](#)

Duty to establish bodies for local areas

4.—(1) After section 15A of the Health and Social Care (Reform) Act (Northern Ireland) 2009 insert—

“Local area bodies

15B Duty to establish bodies for local areas

(1) The Department must by regulations establish one or more bodies under this section.

(2) A body established under this section is to be called an “Area Integrated Partnership Board” or such other name as may be prescribed.

(3) Each Board is to exercise its functions for such area of Northern Ireland as may be prescribed; and the Department must ensure that there is a Board for each area of Northern Ireland.

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- (4) Each Board is to exercise such functions relating to the following matters as may be prescribed—
- (a) the identification of the health and social care needs of the people in its area,
 - (b) the planning, delivery and management of health and social care for those people, and
 - (c) the facilitation and encouragement of co-operation between those responsible for planning, delivering or managing health and social care for those people.
- (5) Each Board must exercise its functions with the aim of—
- (a) improving the health and social well-being of the people in its area;
 - (b) reducing health inequalities between those people, and between those people and other people in Northern Ireland.
- (6) The Department may by regulations—
- (a) provide that Article 18 of the Order of 1972 is to apply to each Board with such modifications (if any) as may be prescribed, and
 - (b) require each Board to exercise its functions in accordance with any scheme having effect under that Article.
- (7) The Department may by regulations—
- (a) provide that each Board is established as a body corporate (and that section 19 of the Interpretation Act (Northern Ireland) 1954 applies to each Board with such modifications (if any) as may be prescribed);
 - (b) make provision for the constitution of Boards (including, in particular, their membership, general powers and proceedings);
 - (c) make provision for the payment of remuneration and allowances to members of Boards, and for the defraying of the expenses of Boards;
 - (d) make provision in relation to accounting, reporting and record-keeping by Boards;
 - (e) make such further provision in relation to Boards as the Department considers appropriate.
- (8) Regulations under this section may apply (with or without modifications), amend or repeal any statutory provision whenever passed or made, including any provision of this Act.
- (9) In this section—
- “Board” means a body established under this section;
- a reference to the area of a Board is to the area prescribed for that Board under subsection (3).

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15C Power of Department to give directions and guidance

(1) The Department may give directions of a general or specific nature to a Board as to the carrying out by the Board of any of its functions.

(2) The Department may give guidance to a Board as to the carrying out by the Board of any of its functions.

(3) Before giving any directions to a Board under subsection (1) the Department must consult the Board.

(4) Where the Department is of the opinion that because of the urgency of the matter it is necessary to give directions under subsection (1) without consulting the Board concerned—

(a) subsection (3) does not apply; but

(b) the Department must as soon as reasonably practicable give notice to the Board of the grounds on which the Department formed that opinion.

(5) Where the Department is of the opinion that (for any reason other than the urgency of the matter) it is not reasonably practicable to comply with subsection (3)—

(a) that subsection does not apply; but

(b) the Department must as soon as reasonably practicable give notice to the Board concerned of the grounds on which the Department formed that opinion.

(6) It is the duty of a Board—

(a) to comply with any directions given to it under subsection (1);

(b) to have regard to any guidance given to it under subsection (2).

(7) In this section “Board” means a body established under section 15B.

(8) This section does not affect the Department’s powers to give directions or guidance apart from this section.”.

(2) In section 29 of that Act—

(a) after subsection (1) insert—

“(1A) No regulations are to be made under section 15B unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”;

(b) in subsection (2), for “this Act” substitute “any provision of this Act other than section 15B”.

Commencement Information

I7 S. 4 in operation at Royal Assent, see [s. 8\(2\)](#)

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Supplementary

Schemes for transfer of assets and liabilities

5.—(1) The Department must, in connection with the dissolution of the Regional Board, make one or more schemes for the transfer of all the assets and liabilities of the Board.

(2) A scheme may transfer assets and liabilities to—

- (a) the Department; or
- (b) the Regional Business Services Organisation.

(3) A scheme must—

- (a) designate the assets or liabilities to be transferred by it (see paragraph 1(1) of Schedule 3 for how assets and liabilities may be designated);
- (b) specify the person to whom each asset or liability is to be transferred;
- (c) specify the date on which the scheme is to have effect (the “transfer date”).

(4) On the transfer date the designated assets or liabilities are transferred and vest in accordance with the scheme.

(5) Schedule 3 contains provision about schemes.

Commencement Information

18 S. 5 in operation at Royal Assent, see [s. 8\(2\)](#)

Transitional provision

6.—(1) In Schedule 4—

- (a) Part 1 contains provision about the final accounts and reports of the Regional Board;
- (b) Part 2 contains other transitional provision connected with the coming into operation of this Act.

(2) The Department may by regulations make such further transitional, transitory or saving provision as it considers appropriate in connection with the coming into operation of any provision of this Act, including provision that amends or modifies any statutory provision.

(3) Regulations under subsection (2) are subject to negative resolution.

Commencement Information

19 S. 6(1)(a)(2)(3) in operation at Royal Assent, see [s. 8\(2\)](#)

110 S. 6(1)(b) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(d\)](#)

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Interpretation

7. In this Act—

“the 1972 Order” means the Health and Personal Social Services (Northern Ireland) Order 1972;

“the 1991 Order” means the Health and Personal Social Services (Northern Ireland) Order 1991;

“the 1994 Order” means the Health and Personal Social Services (Northern Ireland) Order 1994;

“the Department” means the Department of Health;

“the Regional Board” means the Regional Health and Social Care Board;

“statutory document” and “statutory provision” have the meaning given by section 1(e) and (f) of the Interpretation Act (Northern Ireland) 1954.

Commencement Information

I11 S. 7 in operation at Royal Assent, see [s. 8\(2\)](#)

Commencement

8.—(1) The following provisions come into operation on such day or days as the Department may by order appoint—

- (a) section 1;
- (b) section 2 and Schedule 1;
- (c) section 3 and Schedule 2;
- (d) section 6(1)(b) and Part 2 of Schedule 4.

(2) The other provisions of this Act come into operation on Royal Assent.

Commencement Information

I12 S. 8 in operation at Royal Assent, see [s. 8\(2\)](#)

Short title

9. This Act may be cited as the Health and Social Care Act (Northern Ireland) 2022.

Commencement Information

I13 S. 9 in operation at Royal Assent, see [s. 8\(2\)](#)

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SCHEDULES

SCHEDULE 1

Section 2.

Transfer of the Regional Board's functions

Factories Act (Northern Ireland) 1965

1. In section 176(1) of the Factories Act (Northern Ireland) 1965, omit the definition of "Health and Social Services Board".

Commencement Information

I14 Sch. 1 para. 1 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I15 [Sch. 1 para. 1](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Children and Young Persons Act (Northern Ireland) 1968

2. In section 96(1) of the Children and Young Persons Act (Northern Ireland) 1968, omit "Board or".

Commencement Information

I16 Sch. 1 para. 2 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I17 [Sch. 1 para. 2](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Superannuation (Northern Ireland) Order 1972

3. In Schedule 1 to the Superannuation (Northern Ireland) Order 1972, omit the reference to the Regional Health and Social Care Board.

Commencement Information

I18 Sch. 1 para. 3 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I19 [Sch. 1 para. 3](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Health and Personal Social Services (Northern Ireland) Order 1972

4. The 1972 Order is amended as follows.

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Commencement Information

- I20** Sch. 1 para. 4 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
I21 [Sch. 1 para. 4](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

5. In Article 2(2), after the definition of “Article 15B arrangements” insert—
 “authorised HSC trust” means an HSC trust that is exercising social care and children functions within the meaning of Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991;”.

Commencement Information

- I22** Sch. 1 para. 5 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
I23 [Sch. 1 para. 5](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

- 6.—(1) Article 15 is amended as follows.
- (2) Before paragraph (1) insert—
 “(A1) The functions conferred by this Article are to be exercised as part of the system of social care designed to secure improvement in the social well-being of people in Northern Ireland mentioned in section 2(1)(b) of the 2009 Act.”.
- (3) In paragraph (1), for the words from the beginning to “the Ministry” substitute “An authorised HSC trust”.
- (4) In paragraph (1A), for “the Department” substitute “the trust”.
- (5) In paragraph (1B)—
 (a) for “The Department” substitute “An authorised HSC trust”;
 (b) in sub-paragraphs (a) and (c), and in the text following sub-paragraph (c), for “the Department” substitute “the trust”.
- (6) In paragraph (2), for “the Ministry” substitute “the trust”.
- (7) In paragraph (3)—
 (a) for “the Ministry” (in the first place) substitute “a trust”;
 (b) for “the Ministry” (in the second place) substitute “the trust”.
- (8) In paragraph (4)—
 (a) for “the Ministry” (in the first place) substitute “A trust”;
 (b) for “the Ministry” (in the second place) substitute “the trust”.
- (9) In paragraph (7) (as inserted by section 121(2) of the Immigration and Asylum Act 1999) for “the Department” substitute “an HSC trust”.

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Commencement Information

I24 Sch. 1 para. 6 not in operation at Royal Assent, see **s. 8(1)(b)**

I25 Sch. 1 para. 6 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

7.—(1) Article 15B is amended as follows.

(2) In paragraph (1)—

(a) for “A Health and Social Services Board” substitute “The Department”;

(b) omit “with respect to its area”;

(c) in sub-paragraphs (a) and (b), for “the Board” substitute “the Department”.

(3) In paragraph (3), for “the Health and Social Services Board concerned” substitute “the Department”.

(4) Omit paragraphs (4) and (5).

Commencement Information

I26 Sch. 1 para. 7 not in operation at Royal Assent, see **s. 8(1)(b)**

I27 Sch. 1 para. 7 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

8.—(1) Article 15C is amended as follows.

(2) In paragraph (1), for “A Health and Social Services Board” substitute “The Department”.

(3) In paragraph (2), in the definition of “HSC employee”, for “a Health and Social Services Board” substitute “the RBSO”.

Commencement Information

I28 Sch. 1 para. 8 not in operation at Royal Assent, see **s. 8(1)(b)**

I29 Sch. 1 para. 8 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

9.—(1) Article 15D is amended as follows.

(2) In paragraphs (2) and (3), for “Health and Social Services Boards” substitute “the Department”.

(3) In paragraph (3A), for “directions given” substitute “any scheme made”.

(4) In paragraph (3B), for “direction” (in each place) substitute “scheme”.

(5) After paragraph (3B) insert—

“(3BA) The Department must publish a scheme under paragraph (3A) in such manner as it thinks appropriate.”.

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(6) In paragraph (3C), for “a Health and Social Services Board” substitute “the Department”.

(7) In paragraph (3D)—

(a) in sub-paragraph (a), for “the Department” substitute “a prescribed body”;

(b) in sub-paragraph (b), for “the Department, or a person appointed by it,” substitute “that body”.

(8) After paragraph (3D) insert—

“(3DA) Regulations making provision as to the matters referred to in paragraph (3D)(a) and (b) may make provision—

(a) as to the members of the body, including the terms and conditions of their appointment;

(b) for the payment of fees and allowances to members of the body.”.

Commencement Information

I30 Sch. 1 para. 9 not in operation at Royal Assent, see **s. 8(1)(b)**

I31 Sch. 1 para. 9 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

10. Omit Article 17.

Commencement Information

I32 Sch. 1 para. 10 not in operation at Royal Assent, see **s. 8(1)(b)**

I33 Sch. 1 para. 10 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

11. In Article 18(6), omit sub-paragraphs (a) and (b).

Commencement Information

I34 Sch. 1 para. 11 not in operation at Royal Assent, see **s. 8(1)(b)**

I35 Sch. 1 para. 11 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

12. In Article 21(1), in sub-paragraphs (a) and (b), for “the Regional Board” substitute “the Department”.

Commencement Information

I36 Sch. 1 para. 12 not in operation at Royal Assent, see **s. 8(1)(b)**

I37 Sch. 1 para. 12 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

13.—(1) Article 36 is amended as follows.

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(2) In paragraph (2A), for the words from “the ordinary residence” to the end substitute “whether a person is ordinarily resident in the operational area of an authorised HSC trust is to be determined by the trust.”.

(3) In paragraph (3)—

(a) for “the Department” (in the first place) substitute “the HSC trust”;

(b) for “the Department” (in the second place) substitute “the trust”.

(4) In paragraph (4), for “the Department” substitute “the HSC trust”.

(5) In paragraph (5)—

(a) for “the Department” (in the first place) substitute “the HSC trust”;

(b) for “the Department” (in the second place) substitute “the trust”.

(6) In paragraph (7)—

(a) for “the Department” (in the first place) substitute “the HSC trust”;

(b) for “the Department” (in every other place) substitute “the trust”.

(7) In paragraph (8)—

(a) for “The Department” substitute “An HSC trust”;

(b) for “the Department” (in both places) substitute “the trust”.

Commencement Information

I38 Sch. 1 para. 13 not in operation at Royal Assent, see **s. 8(1)(b)**

I39 Sch. 1 para. 13 in operation at 1.4.2022 by **S.R. 2022/102, art. 2(b)**

14. In Article 37—

(a) for “The Ministry” substitute “Each authorised HSC trust”;

(b) after “for persons” insert “within its operational area”.

Commencement Information

I40 Sch. 1 para. 14 not in operation at Royal Assent, see **s. 8(1)(b)**

I41 Sch. 1 para. 14 in operation at 1.4.2022 by **S.R. 2022/102, art. 2(b)**

15.—(1) Article 38 is amended as follows.

(2) In paragraph (1)—

(a) for “the Ministry” (in the first place) substitute “the appropriate HSC trust”;

(b) for “the Ministry” (in the second place) substitute “the trust”.

(3) After paragraph (1) insert—

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“(1A) The “appropriate HSC trust” is the HSC trust in whose operational area the person resides.”.

(4) In paragraph (3)—

(a) for “the Ministry” (in the first place) substitute “an HSC trust”;

(b) for “the Ministry” (in the second place) substitute “the trust”.

(5) In paragraph (4), for “The Ministry” substitute “An HSC trust”.

Commencement Information

I42 Sch. 1 para. 15 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I43 [Sch. 1 para. 15](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

16.—(1) Article 39 is amended as follows.

(2) In paragraph (1)—

(a) for “The Ministry” substitute “An authorised HSC trust”;

(b) for “the Ministry” substitute “the trust”.

(3) In paragraph (2), for “The Ministry” substitute “The trust”.

(4) In paragraphs (3) and (4), for “the Ministry” substitute “the trust”.

Commencement Information

I44 Sch. 1 para. 16 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I45 [Sch. 1 para. 16](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

17. In Article 51, omit the words from “authorise” to “itself”.

Commencement Information

I46 Sch. 1 para. 17 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I47 [Sch. 1 para. 17](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

18. In Article 53(1A), omit sub-paragraph (a).

Commencement Information

I48 Sch. 1 para. 18 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I49 [Sch. 1 para. 18](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

19.—(1) Article 55 is amended as follows.

(2) In paragraph (2), for “A Health and Social Services Board” substitute “The Department”.

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(3) In paragraph (3), for “a Health and Social Services Board” and “the Health and Social Services Board” substitute “the Department”.

(4) In paragraphs (4), (5) and (6), for “the Health and Social Services Board” substitute “the Department”.

Commencement Information

I50 Sch. 1 para. 19 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I51 [Sch. 1 para. 19](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

20.—(1) Article 55A is amended as follows.

(2) In paragraph (1), for “a Health and Social Services Board” substitute “the Department”.

(3) In paragraph (2), for “any other power to require a Health and Social Services Board” substitute “any other duty on the Department”.

(4) In paragraph (5)—

(a) for “A Health and Social Services Board” substitute “The Department”;

(b) for “the Board” substitute “the Department”.

(5) In paragraphs (6) and (7), for “the Health and Social Services Board” substitute “the Department”.

Commencement Information

I52 Sch. 1 para. 20 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I53 [Sch. 1 para. 20](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

21.—(1) Article 55B is amended as follows.

(2) In paragraph (1), for “A Health and Social Services Board” substitute “The Department”.

(3) In paragraph (3)(b), for “the Health and Social Services Board” substitute “the Department”.

(4) In paragraph (6), for “a Health and Social Services Board” substitute “the Department”.

(5) In paragraph (9)—

(a) for “A Health and Social Services Board” substitute “The Department”;

(b) for “the Board” substitute “the Department”.

Commencement Information

I54 Sch. 1 para. 21 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

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I55 Sch. 1 para. 21 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

22.—(1) Article 56 is amended as follows.

(2) In paragraph (1)—

(a) for “Each Health and Social Services Board” substitute “The Department”;

(b) omit “exercise its powers so as to”.

(3) In paragraph (2), for “A Health and Social Services Board” substitute “The Department”.

(4) In paragraph (3), for “Each Health and Social Services Board” substitute “The Department”.

Commencement Information

I56 Sch. 1 para. 22 not in operation at Royal Assent, see s. 8(1)(b)

I57 Sch. 1 para. 22 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

23.—(1) Article 57 is amended as follows.

(2) In paragraph (1), for “A Health and Social Services Board” substitute “The Department”.

(3) In paragraphs (3) and (5), for “the Health and Social Services Board” substitute “the Department”.

Commencement Information

I58 Sch. 1 para. 23 not in operation at Royal Assent, see s. 8(1)(b)

I59 Sch. 1 para. 23 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

24. In Article 57B(1), for “A Health and Social Services Board” substitute “The Department”.

Commencement Information

I60 Sch. 1 para. 24 not in operation at Royal Assent, see s. 8(1)(b)

I61 Sch. 1 para. 24 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

25.—(1) Article 57C is amended as follows.

(2) In paragraph (1), for “give directions as to” substitute “make a scheme providing for”.

(3) In paragraph (2), for “directions” substitute “any scheme”.

(4) In paragraph (3)—

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- (a) for “directions” substitute “a scheme”;
 - (b) for “direction” (in each place) substitute “scheme”;
 - (c) in sub-paragraph (b)(i), for “any scheme” substitute “any method of calculation”;
 - (d) in sub-paragraph (d), for “a Health and Social Services Board” substitute “the Department”.
- (5) In paragraph (4)—
- (a) for “giving a direction” substitute “making a scheme”;
 - (b) in sub-paragraph (a), for “direction” substitute “scheme”.
- (6) After paragraph (4) insert—
- “(4A) The Department must publish a scheme under paragraph (1) in such manner as it thinks appropriate.”

Commencement Information

- I62** Sch. 1 para. 25 not in operation at Royal Assent, see **s. 8(1)(b)**
- I63** Sch. 1 para. 25 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

26. In Article 57E(4)(a), for “a Health and Social Services Board” substitute “the Department”.

Commencement Information

- I64** Sch. 1 para. 26 not in operation at Royal Assent, see **s. 8(1)(b)**
- I65** Sch. 1 para. 26 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

- 27.—**(1) Article 57F is amended as follows.
- (2) In paragraph (2)—
- (a) after “paragraph (1) may” insert “in particular”;
 - (b) in sub-paragraph (a), for “the Department” substitute “a prescribed body”;
 - (c) in sub-paragraph (b), for “the Department, or a person appointed by it,” substitute “that body”.
- (3) After paragraph (2) insert—
- “(2A) Regulations making provision as to the matters referred to in paragraph (2)(a) and (b) may make provision—
- (a) as to the members of the body, including the terms and conditions of their appointment;
 - (b) for the payment of fees and allowances to members of the body.”

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Commencement Information

- I66** Sch. 1 para. 27 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
I67 Sch. 1 para. 27 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

28.—(1) Article 57G is amended as follows.

(2) In paragraphs (1), (2) and (3), for “a Health and Social Services Board” substitute “the Department”.

(3) In paragraph (3)(j), after “appeals” insert “to a prescribed body”.

(4) In paragraph (3A), for “a Health and Social Services Board” and “a Board” substitute “the Department”.

(5) After paragraph (3B) insert—

“(3C) Regulations making provision as to the matters referred to in paragraph (3)(j) may make provision—

(a) as to the members of the body, including the terms and conditions of their appointment;

(b) for the payment of fees and allowances to members of the body.”.

(6) Omit paragraph (4).

Commencement Information

- I68** Sch. 1 para. 28 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
I69 Sch. 1 para. 28 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

29.—(1) Article 57H is amended as follows.

(2) In paragraph (1), for “A Health and Social Services Board” substitute “The Department”.

(3) In paragraph (2), for “a Health and Social Services Board” and “the Board” substitute “the Department”.

Commencement Information

- I70** Sch. 1 para. 29 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
I71 Sch. 1 para. 29 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

30. For Article 59 substitute—

“**59.** Schedule 9 makes provision for the making of loans by the Department to practitioners providing primary medical services..Department to practitioners providing primary medical services.”.

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Commencement Information

- I72** Sch. 1 para. 30 not in operation at Royal Assent, see **s. 8(1)(b)**
I73 Sch. 1 para. 30 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

31.—(1) Article 61 is amended as follows.

(2) In paragraph (1)—

- (a) for “Every Health and Social Services Board” substitute “The Department”;
 (b) omit “in respect of its area”.

(3) In paragraph (2A)—

- (a) for “the Health and Social Services Board in whose area his surgery is, or is to be, situated” substitute “the Department”;
 (b) omit “in the Board’s area”.

(4) After paragraph (2AA) insert—

“(2AB) Regulations making provision conferring such a right of appeal may make provision—

- (a) as to the members of the body, including the terms and conditions of their appointment;
 (b) for the payment of fees and allowances to members of the body.”.

Commencement Information

- I74** Sch. 1 para. 31 not in operation at Royal Assent, see **s. 8(1)(b)**
I75 Sch. 1 para. 31 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

32.—(1) Article 62 is amended as follows.

(2) In paragraph (1)—

- (a) for “Every Health and Social Services Board” substitute “The Department”;
 (b) omit “in respect of its area”.

(3) In paragraph (2)(c), for “a committee appointed by the Department, and for making provision” substitute “a prescribed body, and”.

(4) After paragraph (2) insert—

“(2A) Regulations making provision for any matter which appears to the Department to be necessary or expedient in consequence of the right of appeal referred to in paragraph (2)(c), may in particular make provision—

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- (a) as to the members of the body, including the terms and conditions of their appointment;
- (b) for the payment of fees and allowances to members of the body.”.

Commencement Information

I76 Sch. 1 para. 32 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I77 Sch. 1 para. 32 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

33.—(1) Article 63 is amended as follows.

(2) In paragraph (1)—

- (a) for “Every Health and Social Services Board” substitute “The Department”;
- (b) omit “in respect of its area” and “who are in that area”;
- (c) for “a direction” substitute “arrangements”.

(3) In paragraph (2)—

- (a) for “a Health and Social Services Board” substitute “the Department”;
- (b) omit “in the Board’s area”.

Commencement Information

I78 Sch. 1 para. 33 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I79 Sch. 1 para. 33 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

34.—(1) Article 63AA is amended as follows.

(2) In paragraph (2), for “a Health and Social Services Board” and “the Health and Social Services Board” substitute “the Department”.

(3) In paragraph (3)—

- (a) for “a Health and Social Services Board” and “the Board” substitute “the Department”;
- (b) omit “in the Board’s area”.

(4) In paragraph (3A), after “appeal” insert “to a prescribed body”.

(5) After paragraph (3A) insert—

“(3AA) Regulations making provision as to the matters referred to in paragraph (3A) may in particular make provision—

- (a) as to the members of the body, including the terms and conditions of their appointment;
- (b) for the payment of fees and allowances to members of the body.”.

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Commencement Information

180 Sch. 1 para. 34 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

181 [Sch. 1 para. 34](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

35. For Articles 63A and 63B substitute—

“Additional pharmaceutical services

63A.—(1) The Department may make arrangements for the provision of additional pharmaceutical services.

(2) The arrangements—

- (a) may be made on such terms as the Department thinks appropriate;
- (b) may impose, on any person providing a service in accordance with the arrangements, such conditions as the Department thinks appropriate.

(3) But the arrangements must secure that any service to which they apply is provided only by a person whose name is included in a pharmaceutical list.

(4) Different arrangements may be made with respect to—

- (a) different services;
- (b) the provision of the same service by the same person but in different circumstances;
- (c) the provision of the same service by different persons.

(5) The Department must provide details of any proposed arrangements (including the remuneration to be offered for the provision of services) to any person who asks for them.

(6) The Department must publish such details as it thinks appropriate of arrangements under this Article—

- (a) in the Drug Tariff, or
- (b) in such other manner as it thinks appropriate.

(7) In this Article—

“additional pharmaceutical services” means services of a kind that do not fall within Article 63;

“Drug Tariff” means the Drug Tariff published under regulation 9 of the Pharmaceutical Services Regulations (Northern Ireland) 1997 or under any corresponding provision replacing, or otherwise derived from, that regulation;

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“pharmaceutical list” means, subject to the arrangements made, a list—

- (a) published by the Department in accordance with regulations made under Article 63AA(2)(za); or
- (b) published by any body in accordance with regulations made under—
 - (i) section 27(3)(a) of the National Health Service (Scotland) Act 1978,
 - (ii) section 129(2)(a) of the National Health Service Act 2006,
 - (iii) section 83(2)(a) of the National Health Service (Wales) Act 2006, or
 - (iv) any provision of the law of Scotland or England and Wales that re-enacts (with or without amendment) any of those sections.”.

Commencement Information

I82 Sch. 1 para. 35 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I83 [Sch. 1 para. 35](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

36.—(1) Article 64 is amended as follows.

(2) In paragraphs (1) and (1A), for “a Health and Social Services Board” substitute “the Department”.

(3) In paragraph (1A), omit “in the Board’s area”.

(4) In paragraph (2), omit “a direction under”.

Commencement Information

I84 Sch. 1 para. 36 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I85 [Sch. 1 para. 36](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

37.—(1) Article 64C is amended as follows.

(2) In paragraph (2), for “a Health and Social Services Board”, “the Board” and “that Board” substitute “the Department”.

(3) In paragraph (3), in the definition of “indemnity cover”, for “a Health and Social Services Board” substitute “the Department”.

Commencement Information

I86 Sch. 1 para. 37 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

187 Sch. 1 para. 37 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

38. Article 79 is omitted.

Commencement Information

188 Sch. 1 para. 38 not in operation at Royal Assent, see **s. 8(1)(b)**

189 Sch. 1 para. 38 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

39. Article 80 is omitted.

Commencement Information

190 Sch. 1 para. 39 not in operation at Royal Assent, see **s. 8(1)(b)**

191 Sch. 1 para. 39 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

40.—(1) Article 81 is omitted so far as it relates to Health and Social Services Boards.

(2) But that Article continues to apply to any property transferred to an HSC trust or the trustees for an HSC trust as mentioned in Article 16(8) of the 1991 Order.

Commencement Information

192 Sch. 1 para. 40 not in operation at Royal Assent, see **s. 8(1)(b)**

193 Sch. 1 para. 40 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

41. Article 82 is omitted.

Commencement Information

194 Sch. 1 para. 41 not in operation at Royal Assent, see **s. 8(1)(b)**

195 Sch. 1 para. 41 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

42.—(1) Article 83 is amended as follows.

(2) In paragraph (1), omit “a Health and Social Services Board or”.

(3) Omit paragraph (1A)(a).

(4) Omit paragraph (2).

Commencement Information

196 Sch. 1 para. 42 not in operation at Royal Assent, see **s. 8(1)(b)**

197 Sch. 1 para. 42 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

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43.—(1) Article 85 is amended as follows.

(2) In paragraph (1), omit “A Health and Social Services Board or”.

(3) In paragraph (2)—

(a) in sub-paragraph (a), for “Health and Social Services Board” substitute “HSC trust”;

(b) omit sub-paragraph (b).

(4) For the heading substitute “Power for certain health bodies to accept property on trust, etc”.

Commencement Information

I98 Sch. 1 para. 43 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I99 Sch. 1 para. 43 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

44.—(1) Article 86 is amended as follows.

(2) In paragraph (1)—

(a) in sub-paragraph (a), omit “Health and Social Services Boards or”;

(b) omit “a Health and Social Services Board,”.

Commencement Information

I100 Sch. 1 para. 44 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I101 Sch. 1 para. 44 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

45. In Article 91(6), omit sub-paragraph (a).

Commencement Information

I102 Sch. 1 para. 45 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I103 Sch. 1 para. 45 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

46. In Article 92B(3), omit sub-paragraph (a).

Commencement Information

I104 Sch. 1 para. 46 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I105 Sch. 1 para. 46 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

47.—(1) Article 99 is amended as follows.

(2) In paragraph (1)—

(a) for “the Department” (in the first place) substitute “an HSC trust”;

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- (b) for “the Department” (in the second place) substitute “the trust”.
- (3) In paragraph (2), omit the words from “and that standard rate” to the end.
- (4) After paragraph (2) insert—
 - “(2A) Different rates may be determined under paragraph (2) for (in particular)—
 - (a) different descriptions of accommodation;
 - (b) accommodation provided by different trusts.
 - (2B) The standard rate determined for accommodation provided by any trust must represent the full cost to the trust of providing that accommodation, other than any costs in respect of nursing care by a registered nurse (within the meaning given by Article 36(4A)) at that accommodation.”.
- (5) In paragraph (3), for “the Department” (in both places) substitute “the trust”.
- (6) In paragraph (6)—
 - (a) for “The Department” substitute “An HSC trust”;
 - (b) for “the Department” (in both places) substitute “the trust”.
- (7) In the heading to the Article, for “Department” substitute “HSC trust”.

Commencement Information

I106 Sch. 1 para. 47 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I107 Sch. 1 para. 47 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

- 48.**—(1) Article 101 is amended as follows.
- (2) In paragraph (1), for “the Ministry” substitute “the appropriate HSC trust”.
 - (3) After paragraph (1) insert—
 - “(1A) The “appropriate HSC trust” is the trust that provided the accommodation, or arranged or secured its provision, or (as the case may be) proposed the provision of it.”.
 - (4) In paragraphs (4) and (5), for “the Ministry” substitute “the trust”.

Commencement Information

I108 Sch. 1 para. 48 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I109 Sch. 1 para. 48 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

- 49.**—(1) Article 101A is amended as follows.
- (2) In paragraph (1)—

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- (a) for “the Department” (in the first place) substitute “the appropriate HSC trust”;
- (b) for “the Department receive” substitute “the trust receives”.
- (3) In paragraph (2), for “the Department” substitute “the appropriate HSC trust”.
- (4) After paragraph (2) insert—
 - “(2A) “The appropriate HSC trust” is the trust that provided the accommodation, or arranged or secured the provision of it.”.

Commencement Information

I110 Sch. 1 para. 49 not in operation at Royal Assent, see **s. 8(1)(b)**

I111 Sch. 1 para. 49 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

50.—(1) Schedule 6 is amended as follows.

- (2) In paragraph 8—
 - (a) omit “the Department or”;
 - (b) for “the Ministry” substitute “an HSC trust”.
- (3) In paragraph 12, for the definition of “responsible authority” substitute—
 - ““responsible authority”, in relation to any person, means the HSC trust in whose operational area the person resides;”.

Commencement Information

I112 Sch. 1 para. 50 not in operation at Royal Assent, see **s. 8(1)(b)**

I113 Sch. 1 para. 50 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

51.—(1) Schedule 9 is amended as follows.

- (2) In paragraph 1, for the words from “The Ministry” to “Boards to” substitute “The Department may, in accordance with paragraphs 1A to 5,”.
- (3) After paragraph 1 insert—
 - “**1A.** Loans to practitioners providing primary medical services (GP loans”) are to be made in accordance with a scheme that is provided for in regulations made, with the approval of the Department of Finance, by the Department.”.
- (4) In paragraph 2—
 - (a) for the words from “Without prejudice” to “may make” substitute “Regulations under paragraph 1A may include”;
 - (b) omit sub-paragraph (a);
 - (c) for sub-paragraph (b) substitute—

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- “(b) the guaranteeing by the Department of Finance of the payment of interest on, and the repayment of the principal of, any loan raised by the Department for the purpose of making GP loans;”;
- (d) in sub-paragraph (c), for “loans made under the order” substitute “GP loans”;
- (e) for sub-paragraph (d) substitute—
 - “(d) authorising the Department to hold and dispose of any land or property conveyed to it as security for a GP loan;”;
- (f) in sub-paragraph (e), for “loans under the order” substitute “GP loans”.
- (5) For paragraph 3 substitute—

“3. No regulations may be made under paragraph 1A unless a draft of the regulations has been laid before and approved by resolution of the Assembly.”
- (6) Omit paragraph 4.
- (7) In paragraph 5—
 - (a) for “Where an order under this Schedule authorises the Ministry of Finance” substitute “Where regulations under paragraph 1A authorise the Department of Finance”;
 - (b) for “the Health and Social Services Boards” substitute “the Department”;
 - (c) in sub-paragraph (a)—
 - (i) for “order” substitute “regulations”;
 - (ii) for “£6,000,000” substitute “a sum specified in the scheme”;
 - (d) in sub-paragraph (b)—
 - (i) for “the Ministry” substitute “the Department”;
 - (ii) for “the order” substitute “the regulations”;
 - (e) in sub-paragraph (c), for “the Ministry” substitute “the Department”;
 - (f) in sub-paragraph (d)—
 - (i) for “the Health and Social Services Board” substitute “the Department”;
 - (ii) for “the Ministry of Finance” substitute “the Department of Finance”;
 - (iii) for “that Ministry” (in each place) substitute “the Department of Finance”.

Commencement Information

I114 Sch. 1 para. 51 not in operation at Royal Assent, see **s. 8(1)(b)**

I115 Sch. 1 para. 51 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

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- 52.**—(1) Schedule 10 is amended as follows.
- (2) In paragraph 1(1), omit “and has never carried on the practice”.
- (3) In paragraph 2—
- (a) in sub-paragraph (2), for “the Regional Board” substitute “the Department”;
 - (b) in sub-paragraph (3), for “Health and Social Services Board” and “Board” substitute “Department”;
 - (c) in sub-paragraphs (4), (6) and (7), for “the Health and Social Services Board” substitute “the Department”.

Commencement Information

II16 Sch. 1 para. 52 not in operation at Royal Assent, see **s. 8(1)(b)**

II17 Sch. 1 para. 52 in operation at 1.4.2022 by **S.R. 2022/102, art. 2(b)**

- 53.**—(1) Schedule 11 is amended as follows.
- (2) In paragraph 1(2), for “the Regional Board” substitute “the Department”.
- (3) In paragraph 3(6)—
- (a) for “a Health and Social Services Board” substitute “the Department”;
 - (b) for “the Board” substitute “the Department”.
- (4) In paragraph 4(5)(b), for “any Health and Social Services Board” substitute “the Department”.
- (5) In paragraph 5—
- (a) in sub-paragraph (3), for “any Health and Social Services Board” substitute “the Department”;
 - (b) in sub-paragraph (4), for “a Health and Social Services Board” substitute “the Department”.
- (6) In paragraph 7(2), omit “to each Health and Social Services Board and”.
- (7) In paragraph 9—
- (a) in sub-paragraph (1), for “A Health and Social Services Board which has made representations under paragraph 1 may” substitute “The Department may, if it has made representations under paragraph 1”;
 - (b) in sub-paragraph (2), for “A Health and Social Services Board” substitute “The Department”;
 - (c) in sub-paragraph (8), for “a Health and Social Services Board” and “the Board” substitute “the Department”.
- (8) In paragraph 14—
- (a) for “any Health and Social Services Board” substitute “the Department”;

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(b) for “that Board” substitute “the Department”.

(9) In paragraph 17(1), for “Health and Social Services Boards” substitute “the Department”.

Commencement Information

I118 Sch. 1 para. 53 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I119 Sch. 1 para. 53 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

54.—(1) Schedule 14 is omitted so far as it relates to Health and Social Services Boards.

(2) But that Schedule continues to apply to all endowments (and income thereof) transferred to an HSC trust or the trustees for an HSC trust as mentioned in Article 16(7) of the 1991 Order.

Commencement Information

I120 Sch. 1 para. 54 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I121 Sch. 1 para. 54 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

55.—(1) Schedule 15 is amended as follows.

(2) In paragraph 2, for “the Health and Social Services Boards” substitute “the Department”.

(3) In paragraph 2A—

(a) in sub-paragraph (1), omit “or by a Health and Social Services Board”;

(b) in sub-paragraph (4), omit—

(i) “or a Health and Social Services Board” (in both places), and

(ii) “, the Board” (in both places).

Commencement Information

I122 Sch. 1 para. 55 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I123 Sch. 1 para. 55 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Solicitors (Northern Ireland) Order 1976

56. In Article 3(2) of the Solicitors (Northern Ireland) Order 1976, in the definition of “local authority”, omit “the Regional Health and Social Care Board”.

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Commencement Information

I124 Sch. 1 para. 56 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I125 Sch. 1 para. 56 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Pharmacy (Northern Ireland) Order 1976

57. In Article 8AA(9) of the Pharmacy (Northern Ireland) Order 1976, for subparagraph (d) substitute—

“(d) the Department.”.

Commencement Information

I126 Sch. 1 para. 57 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I127 Sch. 1 para. 57 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Chronically Sick and Disabled Persons (Northern Ireland) Act 1978

58. The Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 is amended as follows.

Commencement Information

I128 Sch. 1 para. 58 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I129 Sch. 1 para. 58 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

59.—(1) Section 1 is amended as follows.

(2) In subsection (1), omit “by that Department”.

(3) In subsection (2)—

(a) for “The Department of Health and Social Services for Northern Ireland” substitute “Each authorised HSC trust”;

(b) in paragraph (a), for “that Department” substitute “the trust”;

(c) in paragraph (b), for “the Department” substitute “the trust”.

(4) After subsection (2) insert—

“(3) An authorised HSC trust is a Health and Social Care trust that is exercising social care and children functions within the meaning of Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991.”.

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Commencement Information

I130 Sch. 1 para. 59 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I131 Sch. 1 para. 59 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

- 60.**—(1) Section 2 is amended as follows.
- (2) The existing text of section 2 becomes subsection (1) of that section.
- (3) In subsection (1)—
- (a) for “the Department of Health and Social Services for Northern Ireland” substitute “an authorised HSC trust”;
 - (b) after “any person” insert “who resides in its operational area and”;
 - (c) for “that Department” (in the first place) substitute “the trust”;
 - (d) omit “section 2(1)(b) of the Health and Social Services (Reform) Act (Northern Ireland) 2009 and” (in the first place);
 - (e) in paragraph (d)—
 - (i) omit “by that Department”;
 - (ii) for “and” (in the third place) substitute “or”;
 - (iii) for “that Department” (in the second place) substitute “the trust”;
 - (f) in paragraph (f) and the text following paragraph (h), for “that Department” substitute “the trust”.
- (4) After subsection (1) insert—
- “(2) In this section “authorised HSC trust” has the same meaning as in section 1.”.

Commencement Information

I132 Sch. 1 para. 60 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I133 Sch. 1 para. 60 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

- 61.**—(1) Section 12 is amended as follows.
- (2) In subsection (1), for “The Department of Health and Social Services for Northern Ireland” substitute “Each authorised HSC trust”.
- (3) In subsection (2), for “that Department” substitute “any authorised HSC trust”.
- (4) After subsection (3) insert—
- “(4) In this section “authorised HSC trust” has the same meaning as in section 1.”.

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Commencement Information

I134 Sch. 1 para. 61 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I135 Sch. 1 para. 61 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Health and Safety at Work (Northern Ireland) Order 1978

62. In Article 50 of the Health and Safety at Work (Northern Ireland) Order 1978—

- (a) for “Health and Social Services Board” substitute “Health and Social Care trust”;
- (b) for “that Board” substitute “that trust”.

.....

Commencement Information

I136 Sch. 1 para. 62 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I137 Sch. 1 para. 62 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Judgments Enforcement (Northern Ireland) Order 1981

63. In Article 54 of the Judgments Enforcement (Northern Ireland) Order 1981—

- (a) in paragraph (2), for “the Health and Social Services Board” substitute “the Health and Social Care trust”;
- (b) in the heading, for “Health and Social Services Board” substitute “Health and Social Care trust”.

.....

Commencement Information

I138 Sch. 1 para. 63 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I139 Sch. 1 para. 63 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981

64. Omit Article 10(5A)(a) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

.....

Commencement Information

I140 Sch. 1 para. 64 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I141 Sch. 1 para. 64 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

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Diseases of Animals (Northern Ireland) Order 1981

65. In Article 10(5) of the Diseases of Animals (Northern Ireland) Order 1981, for the words from “the Health and Social” to “Order 1972” substitute “the Regional Agency for Public Health and Social Well-being and the Health and Social Care trust”.

Commencement Information

I142 Sch. 1 para. 65 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I143 Sch. 1 para. 65 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Dentists Act 1984

66.—(1) The Dentists Act 1984 is amended as follows.

(2) In section 26B(8)—

- (a) omit “and” at the end of paragraph (c);
- (b) in paragraph (d), for “Health and Social Services Boards” substitute “Health and Social Care trusts”;
- (c) after paragraph (d) add “; and
- (e) the Department of Health in Northern Ireland.”.

(3) In section 36M(8)—

- (a) omit “and” at the end of paragraph (c);
- (b) in paragraph (d), for “Health and Social Services Boards” substitute “Health and Social Care trusts”;
- (c) after paragraph (d) add “; and
- (e) the Department of Health in Northern Ireland.”.

(4) In section 50D(4)—

- (a) omit “and” at the end of paragraph (c);
- (b) in paragraph (d), for “Health and Social Services Boards” substitute “Health and Social Care trusts”;
- (c) after paragraph (d) add “; and
- (e) the Department of Health in Northern Ireland.”.

Commencement Information

I144 Sch. 1 para. 66 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I145 Sch. 1 para. 66 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

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Mental Health (Northern Ireland) Order 1986

67. The Mental Health (Northern Ireland) Order 1986 is amended as follows.

.....
Commencement Information

I146 Sch. 1 para. 67 not in operation at Royal Assent, see **s. 8(1)(b)**

I147 Sch. 1 para. 67 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

68.—(1) Article 2 is amended as follows.

(2) In paragraph (2)—

- (a) in the definition of “approved social worker”, omit “a Board or”;
- (b) omit the definition of “Board”;
- (c) in the definition of “responsible authority”, for paragraphs (a) and (b) substitute—

“(a) in relation to a patient whose admission to a hospital is being sought or who is in, or is liable to be detained in, a hospital, the authorised HSC trust in which the hospital is vested;

(b) in relation to a patient who is the subject of a guardianship application or is subject to guardianship under this Order, the authorised HSC trust in whose area the patient resides.”.

(3) In paragraph (2B), for the words from “by which functions” to the end of the paragraph substitute “that is exercising social care and children functions within the meaning of Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991.”.

.....
Commencement Information

I148 Sch. 1 para. 68 not in operation at Royal Assent, see **s. 8(1)(b)**

I149 Sch. 1 para. 68 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

69. In Article 8(3), omit “a Board or”.

.....
Commencement Information

I150 Sch. 1 para. 69 not in operation at Royal Assent, see **s. 8(1)(b)**

I151 Sch. 1 para. 69 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

70. In Article 16(3)(f), omit “Board or”.

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Commencement Information

I152 Sch. 1 para. 70 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I153 Sch. 1 para. 70 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

71. In Article 22(1), omit “Board,” (in both places).

Commencement Information

I154 Sch. 1 para. 71 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I155 Sch. 1 para. 71 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

72. In Article 25, omit “a Board or” (in both places).

Commencement Information

I156 Sch. 1 para. 72 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I157 Sch. 1 para. 72 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

73. In Article 26(b), omit “Boards and”.

Commencement Information

I158 Sch. 1 para. 73 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I159 Sch. 1 para. 73 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

74.—(1) Article 28 is amended as follows.

(2) In paragraphs (1) and (5), for “A Board or” substitute “An”.

(3) In paragraph (4)(b), omit “the Board or”.

Commencement Information

I160 Sch. 1 para. 74 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I161 Sch. 1 para. 74 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

75. In Article 33—

(a) for “a Board or” substitute “an”;

(b) omit “Board or” (in the second place).

Commencement Information

I162 Sch. 1 para. 75 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

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I163 Sch. 1 para. 75 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

76.—(1) Article 40 is amended as follows.

(2) In paragraphs (1) and (3), omit “Board or”.

(3) In paragraph (4), for “a Board or” substitute “an”.

(4) Omit paragraph (6).

Commencement Information

I164 Sch. 1 para. 76 not in operation at Royal Assent, see s. 8(1)(b)

I165 Sch. 1 para. 76 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

77.—(1) Article 42 is amended as follows.

(2) In paragraph (1), for “the Department” substitute “such authorised HSC trust as it may specify”.

(3) In paragraph (4), for “the Department” substitute “the trust which it proposes to specify”.

(4) In paragraph (9)(a) and (c), for “the Department” substitute “the trust”.

(5) In paragraph (9)(d), omit “the Board or”.

Commencement Information

I166 Sch. 1 para. 77 not in operation at Royal Assent, see s. 8(1)(b)

I167 Sch. 1 para. 77 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

78.—(1) Article 43 is amended as follows.

(2) In paragraph (1), for “the Department” substitute “such authorised HSC trust as it may specify”.

(3) In paragraph (3), for “the Department” substitute “the trust which it proposes to specify”.

Commencement Information

I168 Sch. 1 para. 78 not in operation at Royal Assent, see s. 8(1)(b)

I169 Sch. 1 para. 78 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

79.—(1) Article 44 is amended as follows.

(2) In paragraph (1)—

(a) for “the Department” substitute “such authorised HSC trust as it may specify”;

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(b) omit “a Board or” (in both places).

(3) In paragraph (5), for “the Department” substitute “the trust which it proposes to specify”.

Commencement Information

I170 Sch. 1 para. 79 not in operation at Royal Assent, see **s. 8(1)(b)**

I171 Sch. 1 para. 79 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

80.—(1) Article 45 is amended as follows.

(2) In paragraph (1), for “the Department” substitute “such authorised HSC trust as it may specify”.

(3) In paragraph (3), for “the Department” substitute “the trust which it proposes to specify”.

Commencement Information

I172 Sch. 1 para. 80 not in operation at Royal Assent, see **s. 8(1)(b)**

I173 Sch. 1 para. 80 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

81.—(1) Article 46 is amended as follows.

(2) In paragraph (1)—

(a) for “the Department” substitute “the trust specified by the court”;

(b) omit “the Board or”.

(3) In paragraph (2)—

(a) for “the Department” substitute “the trust”;

(b) omit “the Board or”.

(4) In paragraph (3)—

(a) for “the Department” (in both places) substitute “the trust”;

(b) omit “the Board or”.

(5) In paragraph (5), omit “Board.”.

Commencement Information

I174 Sch. 1 para. 81 not in operation at Royal Assent, see **s. 8(1)(b)**

I175 Sch. 1 para. 81 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

82. In Article 48(3)(a), for “the Department” substitute “the HSC trust”.

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Commencement Information

I176 Sch. 1 para. 82 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I177 Sch. 1 para. 82 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

83. In Article 50A(4), for “the Department” substitute “the authorised HSC trust in which the hospital is vested”.

Commencement Information

I178 Sch. 1 para. 83 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I179 Sch. 1 para. 83 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

84. In Article 61(2), omit “Board or”.

Commencement Information

I180 Sch. 1 para. 84 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I181 Sch. 1 para. 84 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

85. In the heading to Article 73, for “Boards” substitute “responsible authorities”.

Commencement Information

I182 Sch. 1 para. 85 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I183 Sch. 1 para. 85 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

86.—(1) Article 86(2) is amended as follows.

(2) In sub-paragraph (c)—

(a) omit “a Board,”;

(b) omit “the Board,”.

(3) In sub-paragraph (d)—

(a) omit “a Board,”;

(b) omit “the Board,”.

(4) In sub-paragraph (e), omit “a Board,”.

Commencement Information

I184 Sch. 1 para. 86 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I185 Sch. 1 para. 86 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

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87.—(1) Article 107 is amended as follows.

(2) In paragraph (1)—

(a) for “a Board or” substitute “an”;

(b) omit “Board or” (in the second place).

(3) Omit paragraph (1A).

Commencement Information

I186 Sch. 1 para. 87 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I187 Sch. 1 para. 87 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

88. In the heading to Part 9, for “AND BOARDS” substitute “, THE REGIONAL AGENCY AND HSC TRUSTS”.

Commencement Information

I188 Sch. 1 para. 88 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I189 Sch. 1 para. 88 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

89. In Article 111(1)(a), omit “Boards,”.

Commencement Information

I190 Sch. 1 para. 89 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I191 Sch. 1 para. 89 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

90.—(1) Article 112 is amended as follows.

(2) In paragraph (1), for “The Regional Health and Social Care Board” substitute “HSC trusts”.

(3) Omit paragraph (2).

(4) In the heading, for “Boards” substitute “the Regional Agency and HSC trusts”.

Commencement Information

I192 Sch. 1 para. 90 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I193 Sch. 1 para. 90 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

91.—(1) Article 113 is amended as follows.

(2) In paragraph (1)—

(a) for “a Board” substitute “an HSC trust”;

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- (b) in sub-paragraph (a), for “the Board” (in both places) substitute “the trust”.
- (3) Omit paragraph (2).
- (4) In the heading, for “Boards” substitute “HSC trusts”.

Commencement Information

- I194** Sch. 1 para. 91 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
- I195** Sch. 1 para. 91 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

92.—(1) Article 114 is amended as follows.

- (2) In paragraph (1), for “a Board” substitute “an HSC trust”.
- (3) Omit paragraph (2).
- (4) In the heading, for “Boards” substitute “HSC trusts”.

Commencement Information

- I196** Sch. 1 para. 92 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
- I197** Sch. 1 para. 92 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

93.—(1) Article 115 is amended as follows.

- (2) In paragraph (1), for “A Board” substitute “An authorised HSC trust”.
- (3) In paragraph (2)—
 - (a) for “a Board” substitute “a trust”;
 - (b) for “the Board” substitute “the trust”.
- (4) In paragraph (3), for “a Board” substitute “a trust”.
- (5) Omit paragraph (4).
- (6) In the heading, for “Boards” substitute “authorised HSC trusts”.

Commencement Information

- I198** Sch. 1 para. 93 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
- I199** Sch. 1 para. 93 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

94.—(1) Article 116 is amended as follows.

- (2) In paragraph (1)—
 - (a) for “a Board” substitute “an HSC trust”;
 - (b) for “the Board” substitute “the trust”.
- (3) In paragraph (2), for “a Board” substitute “a trust”.

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- (4) In paragraph (3)—
 - (a) for “a Board” substitute “a trust”;
 - (b) for “the Board” substitute “the trust”.
- (5) In paragraph (4), for “A Board” substitute “A trust”.
- (6) Omit paragraph (6).
- (7) In the heading, for “Boards” substitute “HSC trusts”.

Commencement Information

- I200** Sch. 1 para. 94 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
- I201** Sch. 1 para. 94 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

95. In the heading to Article 117, for “Boards” substitute “responsible authorities”.

Commencement Information

- I202** Sch. 1 para. 95 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
- I203** Sch. 1 para. 95 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

- 96.**—(1) Article 118 is amended as follows.
 - (2) In paragraph (1), for “a Board” substitute “an HSC trust”.
 - (3) In paragraph (2), for “A Board” substitute “A trust”.
 - (4) In paragraph (4)—
 - (a) for “Each Board” substitute “Each HSC trust”;
 - (b) in sub-paragraph (a), for “the Board” substitute “the trust”.
 - (5) Omit paragraph (5).
 - (6) In the heading, for “Boards” substitute “HSC trusts”.

Commencement Information

- I204** Sch. 1 para. 96 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
- I205** Sch. 1 para. 96 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

97. In Article 121(1), omit “a member of the Board or”.

Commencement Information

- I206** Sch. 1 para. 97 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
- I207** Sch. 1 para. 97 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

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98.—(1) Article 129 is amended as follows.

(2) In paragraphs (1) and (2), omit “of a Board or”.

(3) In paragraph (7), omit “Board or”.

Commencement Information

I208 Sch. 1 para. 98 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I209 Sch. 1 para. 98 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

99. In Article 133(4), omit “, a Board”.

Commencement Information

I210 Sch. 1 para. 99 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I211 Sch. 1 para. 99 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

100.—(1) In Part 1 of Schedule 2, paragraph 9(a) is amended as follows.

(2) For “the Department” substitute “the trust”.

Commencement Information

I212 Sch. 1 para. 100 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I213 Sch. 1 para. 100 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

101.—(1) Paragraph 3 of Schedule 2A is amended as follows.

(2) In sub-paragraph (1)(a)—

(a) omit “the Board or”;

(b) omit “Board or” (in the second place).

(3) In sub-paragraph (3)(c), omit “Board or”.

Commencement Information

I214 Sch. 1 para. 101 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I215 Sch. 1 para. 101 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Adoption (Northern Ireland) Order 1987

102. The Adoption (Northern Ireland) Order 1987 is amended as follows.

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Commencement Information

I216 Sch. 1 para. 102 not in operation at Royal Assent, see **s. 8(1)(b)**

I217 Sch. 1 para. 102 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

103.—(1) Article 2 is amended as follows.

(2) In paragraph (2), omit the definition of “Board”.

(3) In paragraph (2A), for the words from “by which functions” to the end of the paragraph substitute “that is exercising social care and children functions within the meaning of Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991.”.

(4) Omit paragraph (2D).

(5) In paragraph (5), for “a Board or” substitute “an”.

Commencement Information

I218 Sch. 1 para. 103 not in operation at Royal Assent, see **s. 8(1)(b)**

I219 Sch. 1 para. 103 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

104.—(1) Article 3 is amended as follows.

(2) Omit paragraph (1)(bb).

(3) In paragraph (3), omit “a Board,”.

Commencement Information

I220 Sch. 1 para. 104 not in operation at Royal Assent, see **s. 8(1)(b)**

I221 Sch. 1 para. 104 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

105.—(1) Article 8 is amended as follows.

(2) In paragraph (1), for “a Board or” (in both places) substitute “an”.

(3) In paragraph (2), omit “Board or”.

Commencement Information

I222 Sch. 1 para. 105 not in operation at Royal Assent, see **s. 8(1)(b)**

I223 Sch. 1 para. 105 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

106. In Article 11(3)(a)(i), for “a Board or” substitute “an”.

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Commencement Information

I224 Sch. 1 para. 106 not in operation at Royal Assent, see **s. 8(1)(b)**

I225 Sch. 1 para. 106 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

107. In Article 13(3)(b), omit “Board or”.

Commencement Information

I226 Sch. 1 para. 107 not in operation at Royal Assent, see **s. 8(1)(b)**

I227 Sch. 1 para. 107 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

108. In Article 18(2A), for “a Board or” substitute “an”.

Commencement Information

I228 Sch. 1 para. 108 not in operation at Royal Assent, see **s. 8(1)(b)**

I229 Sch. 1 para. 108 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

109.—(1) Article 22 is amended as follows.

(2) In paragraphs (1), (2) and (3), omit “Board or”.

(3) Omit paragraph (4).

(4) In paragraph (5), omit “or of a Board” and “or that Board”.

(5) In the heading, for “Board” substitute “HSC trust”.

Commencement Information

I230 Sch. 1 para. 109 not in operation at Royal Assent, see **s. 8(1)(b)**

I231 Sch. 1 para. 109 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

110.—(1) Article 23 is amended as follows.

(2) Omit “Board or” (in both places).

(3) In the heading, for “Board” substitute “HSC trust”.

Commencement Information

I232 Sch. 1 para. 110 not in operation at Royal Assent, see **s. 8(1)(b)**

I233 Sch. 1 para. 110 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

111. In Article 28(2A), for “a Board or” substitute “an”.

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Commencement Information

I234 Sch. 1 para. 111 not in operation at Royal Assent, see **s. 8(1)(b)**

I235 Sch. 1 para. 111 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

112.—(1) Article 29 is amended as follows.

(2) In paragraph (2), omit “Board or” (in both places).

(3) In paragraph (3)—

(a) in sub-paragraph (a), for “a Board or” substitute “an”;

(b) in sub-paragraph (b) and in the words following that sub-paragraph, omit “Board or”.

(4) Omit paragraph (5).

(5) In paragraph (5A)—

(a) omit “or a Board”;

(b) omit “Board or” (in the second place).

(6) In paragraph (6), omit “Board or”.

Commencement Information

I236 Sch. 1 para. 112 not in operation at Royal Assent, see **s. 8(1)(b)**

I237 Sch. 1 para. 112 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

113.—(1) Article 32 is amended as follows.

(2) In paragraph (1)—

(a) in the opening words and in the words following sub-paragraph (b), omit “Board or” (in each place);

(b) in sub-paragraph (a), for “a Board or” substitute “an”.

(3) In paragraph (2)—

(a) for “a Board or” substitute “an”;

(b) omit “Board or” (in the second place).

Commencement Information

I238 Sch. 1 para. 113 not in operation at Royal Assent, see **s. 8(1)(b)**

I239 Sch. 1 para. 113 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

114. In Article 33(1) and (3)(b), omit “Board or”.

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Commencement Information

I240 Sch. 1 para. 114 not in operation at Royal Assent, see **s. 8(1)(b)**

I241 Sch. 1 para. 114 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

115.—(1) Article 34 is amended as follows.

(2) In paragraph (1), omit “Board or” (in both places).

(3) In paragraph (2)—

(a) for “a Board or” substitute “an”;

(b) omit “Board or” (in the second place).

(4) In the heading, for “Boards” substitute “HSC trusts”.

Commencement Information

I242 Sch. 1 para. 115 not in operation at Royal Assent, see **s. 8(1)(b)**

I243 Sch. 1 para. 115 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

116.—(1) Article 36 is amended as follows.

(2) Omit “Board or” (in each place).

(3) In the heading, for “Boards” substitute “HSC trusts”.

Commencement Information

I244 Sch. 1 para. 116 not in operation at Royal Assent, see **s. 8(1)(b)**

I245 Sch. 1 para. 116 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

117. In Article 37(1)(b), for “a Board or” substitute “an”.

Commencement Information

I246 Sch. 1 para. 117 not in operation at Royal Assent, see **s. 8(1)(b)**

I247 Sch. 1 para. 117 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

118. In Article 54(3) and (5), omit “Board or”.

Commencement Information

I248 Sch. 1 para. 118 not in operation at Royal Assent, see **s. 8(1)(b)**

I249 Sch. 1 para. 118 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

119. In Article 70, omit “Board or”.

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

Commencement Information

I250 Sch. 1 para. 119 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I251 [Sch. 1 para. 119](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

120. In Article 71(1)(b) and (c), for “a Board or” substitute “an”.

Commencement Information

I252 Sch. 1 para. 120 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I253 [Sch. 1 para. 120](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Housing (Northern Ireland) Order 1988

121. The Housing (Northern Ireland) Order 1988 is amended as follows.

Commencement Information

I254 Sch. 1 para. 121 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I255 [Sch. 1 para. 121](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

122.—(1) Article 6A is amended as follows.

(2) In paragraph (2), omit “and the Regional Board”.

(3) Omit paragraph (5)(b).

Commencement Information

I256 Sch. 1 para. 122 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I257 [Sch. 1 para. 122](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

123. In Article 6B(2), omit paragraph (b) (but not the “or” at the end).

Commencement Information

I258 Sch. 1 para. 123 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I259 [Sch. 1 para. 123](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

124. In Article 6C, omit the definition of “the Regional Board”.

Commencement Information

I260 Sch. 1 para. 124 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

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I261 Sch. 1 para. 124 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Health and Medicines (Northern Ireland) Order 1988

125. In Article 10(4) of the Health and Medicines (Northern Ireland) Order 1988, for “a direction” substitute “arrangements made”.

Commencement Information

I262 Sch. 1 para. 125 not in operation at Royal Assent, see **s. 8(1)(b)**

I263 Sch. 1 para. 125 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Disabled Persons (Northern Ireland) Act 1989

126. The Disabled Persons (Northern Ireland) Act 1989 is amended as follows.

Commencement Information

I264 Sch. 1 para. 126 not in operation at Royal Assent, see **s. 8(1)(b)**

I265 Sch. 1 para. 126 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

127. In section 4, for “the Board” substitute “the authority”.

Commencement Information

I266 Sch. 1 para. 127 not in operation at Royal Assent, see **s. 8(1)(b)**

I267 Sch. 1 para. 127 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

128. In section 5(9), in the definition of “the appropriate officer”, for the words from “means” to the end of the definition substitute “means such officer as may be appointed for the purposes of this section by the HSC trust in whose operational area the child or person is for the time being ordinarily resident.”.

Commencement Information

I268 Sch. 1 para. 128 not in operation at Royal Assent, see **s. 8(1)(b)**

I269 Sch. 1 para. 128 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

129.—(1) Section 7 is amended as follows.

(2) In subsections (1) to (3), for “Board or HSS trust” substitute “HSC trust”.

(3) In subsection (4)—

(a) in paragraph (a), for “a Board or HSS trust” substitute “an HSC trust”;

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- (b) in paragraph (b), for “the Board or HSS trust” substitute “the HSC trust”;
- (c) in the words following paragraph (b), omit “Board or”.

(4) In subsection (5)—

- (a) in paragraph (a), for “a Board or HSS trust” substitute “an HSC trust”;
- (b) in paragraph (b), for “the Board or HSS trust” substitute “the HSC trust”;
- (c) in the words following paragraph (b), omit “Board or” (in both places).

(5) In subsection (6)—

- (a) for “a Board or HSS trust” substitute “an HSC trust”;
- (b) for “the Board or HSS trust” substitute “the HSC trust”.

(6) In subsection (8), for “A Board or HSS trust” substitute “An HSC trust”.

Commencement Information

I270 Sch. 1 para. 129 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I271 Sch. 1 para. 129 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

130. In the heading to section 8, for “Board” substitute “relevant authority”.

Commencement Information

I272 Sch. 1 para. 130 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I273 Sch. 1 para. 130 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

131. In section 11(1)—

- (a) omit the definition of “Board”;
- (b) in the definition of “hospital accommodation”, for “HSS” substitute “HSC”;
- (c) for the definition of “HSS trust” substitute—

““HSC trust” means a Health and Social Care trust established under the Health and Personal Social Services (Northern Ireland) Order 1991;”;

- (d) For the definition of “relevant authority” substitute—

““relevant authority” means an HSC trust that is exercising social care and children functions within the meaning of Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991;”.

Commencement Information

I274 Sch. 1 para. 131 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

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I275 Sch. 1 para. 131 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

Police and Criminal Evidence (Northern Ireland) Order 1989

132. In Article 2(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989, in the definition of “parent or guardian”—

- (a) omit “Health and Social Services Board or”;
- (b) after “that” omit “Board or”.

Commencement Information

I276 Sch. 1 para. 132 not in operation at Royal Assent, see s. 8(1)(b)

I277 Sch. 1 para. 132 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

Children Act 1989

133. In Schedule 2 to the Children Act 1989, in paragraph 24(3), for paragraph (b) substitute—

- “(b) a Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991.”.

Commencement Information

I278 Sch. 1 para. 133 not in operation at Royal Assent, see s. 8(1)(b)

I279 Sch. 1 para. 133 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

Opticians Act 1989

134. In section 27(3)(e) of the Opticians Act 1989, for sub-paragraph (iii) substitute—

- “(iii) has not been certified as sight-impaired or severely sight impaired and in consequence registered as sight-impaired or severely sight-impaired in a register maintained by or on behalf of the Department of Health in Northern Ireland.”.

Commencement Information

I280 Sch. 1 para. 134 not in operation at Royal Assent, see s. 8(1)(b)

I281 Sch. 1 para. 134 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

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Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990

135. In Article 4(3) of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990, for “a Health and Social Services Board” substitute “the Regional Agency for Public Health and Social Well-being”.

Commencement Information

I282 Sch. 1 para. 135 not in operation at Royal Assent, see **s. 8(1)(b)**

I283 Sch. 1 para. 135 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Health and Personal Social Services (Northern Ireland) Order 1991

136. The 1991 Order is amended as follows.

Commencement Information

I284 Sch. 1 para. 136 not in operation at Royal Assent, see **s. 8(1)(b)**

I285 Sch. 1 para. 136 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

137. In Article 2(2), omit the definition of “the Regional Board”.

Commencement Information

I286 Sch. 1 para. 137 not in operation at Royal Assent, see **s. 8(1)(b)**

I287 Sch. 1 para. 137 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

138. In Article 7(6), omit sub-paragraph (a).

Commencement Information

I288 Sch. 1 para. 138 not in operation at Royal Assent, see **s. 8(1)(b)**

I289 Sch. 1 para. 138 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

139. In Article 8—

(a) omit paragraph (2)(a);

(b) after paragraph (9) insert—

“(9A) The references in paragraphs (6) to (9) to a “person” include a body prescribed for the purposes of those paragraphs.

(9B) The Department may by regulations establish a body for those purposes; and such regulations may make provision—

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- (a) as to the members of the body, including the terms and conditions of their appointment;
- (b) for the payment of fees and allowances to members of the body.”.

Commencement Information

I290 Sch. 1 para. 139 not in operation at Royal Assent, see **s. 8(1)(b)**

I291 Sch. 1 para. 139 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

140. In Article 8A(1), for “a Health and Social Services Board” substitute “the Department”.

Commencement Information

I292 Sch. 1 para. 140 not in operation at Royal Assent, see **s. 8(1)(b)**

I293 Sch. 1 para. 140 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

141.—(1) Article 10 is amended as follows.

(2) In paragraph (1)—

(a) omit “or” at the end of sub-paragraph (a);

(b) for sub-paragraph (b) substitute—

“(b) to exercise social care and children functions (see Article 10A);
or

(c) to exercise, on behalf of the Department, such functions as the Department may direct under Article 10B.”.

(3) In paragraph (3)—

(a) omit “this Article,”;

(b) omit sub-paragraph (a).

Commencement Information

I294 Sch. 1 para. 141 not in operation at Royal Assent, see **s. 8(1)(b)**

I295 Sch. 1 para. 141 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

142. After Article 10 insert—

“Definition of social care and children functions”

10A.—(1) In Article 10 and Schedule 3 “social care and children functions” means the following functions (so far as they are exercisable by HSC trusts under the provisions conferring them)—

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- (a) functions under sections 35 and 96 of the Children and Young Persons Act (Northern Ireland) 1968;
 - (b) functions under Articles 15, 36, 37, 38, 39, 99, 101 and 101A of, and Schedule 6 to, the Health and Personal Social Services (Northern Ireland) Order 1972;
 - (c) functions under sections 1(2), 2 and 12(1) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978;
 - (d) functions under the Mental Health (Northern Ireland) Order 1986;
 - (e) functions under the Adoption (Northern Ireland) Order 1987;
 - (f) functions under sections 4 to 9 of the Disabled Persons (Northern Ireland) Act 1989;
 - (g) functions under the Children (Northern Ireland) Order 1995;
 - (h) the function of making or submitting pre-sentence reports within the meaning of Article 2(2) of the Criminal Justice (Northern Ireland) Order 1996 or Article 4(1) of the Criminal Justice (Northern Ireland) Order 2008;
 - (i) functions under the Carers and Direct Payments Act (Northern Ireland) 2002;
 - (j) functions under the Mental Capacity Act (Northern Ireland) 2016.
- (2) The Department may by regulations amend the list of social care and children functions set out in paragraph (1).”

Commencement Information

I296 Sch. 1 para. 142 not in operation at Royal Assent, see **s. 8(1)(b)**

I297 Sch. 1 para. 142 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

143. After Article 10A insert—

“Certain functions of the Department to be exercisable on its behalf by HSC trusts

10B.—(1) The Department may by direction provide for specified functions of the Department to be exercisable, in relation to the operational area of a specified HSC trust, by that trust on behalf of the Department.

(2) In this Article—

“delegation direction” means a direction under paragraph (1);

“specified” means specified in a delegation direction.

(3) A delegation direction comes into operation on such date as may be specified.

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(4) A delegation direction may contain such transitional provisions as the Department thinks appropriate, including in particular provisions—

- (a) for specified acts done by or in relation to the Department or an HSC trust at any time before the direction comes into operation to have effect after that time for specified purposes as if done by or in relation to the other of them;
- (b) for any reference to the Department or an HSC trust in any statutory provision, statutory document (within the meaning of section 1(e) of the Interpretation Act (Northern Ireland) 1954) or order or direction of a court to have effect for specified purposes as a reference to the other of them;

and any such transitional provisions have effect, for those purposes, in relation to such acts, statutory provisions, statutory documents, orders or directions.

(5) An HSC trust is—

- (a) entitled to enforce any rights acquired in the exercise of any delegated functions, and
- (b) liable in respect of any liabilities incurred (including any liabilities in tort) in the exercise of any delegated functions,

in all respects as if it were acting as a principal; and all proceedings for the enforcement of such rights or liabilities are to be brought by or against the trust in its own name.

(6) In paragraph (5) “delegated functions” means functions exercised by the trust by virtue of a delegation direction.

(7) References in any other statutory provision to functions of an HSC trust include references to functions exercisable by an HSC trust on behalf of the Department by virtue of a delegation direction.

(8) The Department may by regulations make such amendments to any statutory provision as appear to the Department to be necessary or expedient to facilitate, or to be otherwise consequential on, the exercise by HSC trusts of functions of the Department by virtue of delegation directions.”.

Commencement Information

I298 Sch. 1 para. 143 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I299 Sch. 1 para. 143 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

144.—(1) Article 21 is amended as follows.

(2) In paragraph (1)—

- (a) for “every Health and Social Services Board” substitute “the Department”;

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(b) for “the Board” substitute “the Department”.

(3) In paragraph (4), for “the Regional Board” substitute “the Department”.

(4) In paragraph (5), for “a Health and Social Services Board” substitute “the Department”.

Commencement Information

I300 Sch. 1 para. 144 not in operation at Royal Assent, see **s. 8(1)(b)**

I301 Sch. 1 para. 144 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

145.—(1) Article 23 is amended as follows.

(2) In paragraph (1), omit “the Regional Board,”.

(3) In consequence, in the heading to the Article, for “Boards” substitute “the Regional Agency”.

Commencement Information

I302 Sch. 1 para. 145 not in operation at Royal Assent, see **s. 8(1)(b)**

I303 Sch. 1 para. 145 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

146. In Article 24(2), omit sub-paragraph (a).

Commencement Information

I304 Sch. 1 para. 146 not in operation at Royal Assent, see **s. 8(1)(b)**

I305 Sch. 1 para. 146 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

147.—(1) Article 33 is amended as follows.

(2) At the end of paragraph (1) add “; but this is subject to paragraph (1A).”.

(3) After paragraph (1) insert—

“(1A) Regulations under the provisions mentioned in paragraph (1B) that amend only statutory instruments are subject to negative resolution; and no other regulations may be made under those provisions unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(1B) The provisions are—

(a) Article 10B(8);

(b) paragraph 22A(8) of Schedule 3.”.

(4) After paragraph (4) insert—

“(5) Any guidance given by the Department under this Order—

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(a) is to be in writing, and

(b) may be varied or revoked by subsequent guidance.”.

(5) In the heading, for “and directions” substitute “, directions and guidance”.

Commencement Information

I306 Sch. 1 para. 147 not in operation at Royal Assent, see **s. 8(1)(b)**

I307 Sch. 1 para. 147 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

148.—(1) Schedule 3 is amended as follows.

(2) For paragraph 3A substitute—

“**3A.**—(1) This paragraph applies where an HSC trust is to exercise—

(a) social care and children functions, or

(b) functions on behalf of the Department by virtue of a delegation direction under Article 10B(1).

(2) An order in relation to the trust must specify the operational area of the trust, that is to say, the area in relation to which those functions are to be exercisable.”.

(3) In paragraph 6, for sub-paragraphs (2) and (3) substitute—

“(2) The Department may give directions of a general or specific nature to an HSC trust as to the carrying out by that trust of any of its functions.

(3) The Department may give guidance to an HSC trust as to the carrying out by that trust of any of its functions.

(4) Any directions under sub-paragraph (2) with respect to—

(a) the power conferred on an HSC trust by paragraph 1 of Schedule 4, or

(b) the maximum amount which an HSC trust may invest in any investments or class of investments,

may be given only with the consent of the Department of Finance.

(5) The Department must consult the HSC trust concerned before giving any directions under sub-paragraph (2).

(6) Where the Department is of the opinion that because of the urgency of the matter it is necessary to give directions under sub-paragraph (2) without consulting the HSC trust concerned—

(a) sub-paragraph (5) does not apply; but

(b) the Department must as soon as reasonably practicable give notice to the HSC trust concerned of the grounds on which the Department formed that opinion.

(7) The Department must not give any direction or guidance under this paragraph that would be inconsistent with the framework document.

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(8) An HSC trust must—

- (a) comply with any directions given to it under sub-paragraph (2), and
- (b) have regard to any guidance given to it under sub-paragraph (3).”.

(4) For paragraph 6A substitute—

“**6A.**—(1) An HSC trust must record such information with respect to the exercise of its functions as the Department may direct.

(2) The information must be recorded in such form, and retained for such period, as the Department may direct.”.

(5) After paragraph 6A insert—

“**6B.**—(1) An HSC trust must submit to the Department a scheme for the exercise by the trust of its social care and children functions.

(2) The Department may approve a scheme submitted to it by an HSC trust under sub-paragraph (1), either without modifications or with such modifications as may be agreed with the trust.

(3) An HSC trust must give effect to any scheme approved by the Department under sub-paragraph (2).

(4) An HSC trust—

- (a) may at any time, and
- (b) must if so requested by the Department,

submit a new scheme under this paragraph to the Department; and sub-paragraphs (2) and (3) apply to any such new scheme as they apply to a scheme submitted under sub-paragraph (1).”.

(6) After paragraph 6B insert—

“**6C.**—(1) The Department may by direction require an HSC trust to submit to the Department a scheme for the exercise by the trust on behalf of the Department of functions which are, or are proposed to become, exercisable by the trust by virtue of a delegation direction under Article 10B.

(2) The Department may approve a scheme submitted to it by an HSC trust under sub-paragraph (1), either without modifications or with such modifications as may be agreed with the trust.

(3) An HSC trust must give effect to any scheme approved by the Department under sub-paragraph (2).

(4) An HSC trust—

- (a) may at any time, and
- (b) must, if so requested by the Department

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submit a new scheme under this paragraph to the Department; and sub-paragraphs (2) and (3) apply to any such new scheme as they apply to a scheme submitted under sub-paragraph (1).”.

(7) In paragraph 13, for the words from “(other than functions” to “Order 1994)” substitute “(other than social care and children functions and functions exercisable on behalf of the Department by virtue of a delegation direction under Article 10B(1))”.

(8) After paragraph 22 insert—

“Part 3A

Directions that Certain Functions be exercised by others

22A.—(1) The Department may by direction provide for specified social care and children functions to cease to be exercisable by an HSC trust and to be exercisable instead by—

- (a) the Department;
- (b) another HSC trust;
- (c) another specified person or body.

(2) In this paragraph—

“specified” means specified in a direction under sub-paragraph (1);

“substituted person or body” means a person or body specified in a direction under sub-paragraph (1) as a person or body that is to exercise functions by virtue of the direction.

(3) A direction under sub-paragraph (1) comes into operation on such date as may be specified.

(4) A direction under sub-paragraph (1) may contain such transitional provisions as the Department thinks appropriate, including in particular provisions—

- (a) for specified acts done by or in relation to the HSC trust or a substituted person or body at any time before the direction comes into operation to have effect after that time for specified purposes as if done by or in relation to a substituted person or body or, as the case may be, the HSC trust;
- (b) for any reference to the HSC trust or a substituted person or body in any statutory provision, statutory document (within the meaning of section 1(e) of the Interpretation Act (Northern Ireland) 1954) or order or direction of a court to have effect for specified purposes as a reference to a substituted person or body or, as the case may be, the HSC trust;

and any such transitional provisions have effect, for those purposes, in relation to such acts, statutory provisions, statutory documents, orders or directions.

(5) A substituted person or body is—

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- (a) entitled to enforce any rights acquired in the exercise of any functions by virtue of a direction under sub-paragraph (1), and
- (b) liable in respect of any liabilities incurred (including any liabilities in tort) in the exercise of any such functions;

and all proceedings for the enforcement of such rights or liabilities are to be brought by or against that person or body in its own name.

(6) References in any other statutory provision to functions of an HSC trust or any specified person or body include references to functions exercisable by virtue of a direction under sub-paragraph (1).

(7) The Department may by regulations provide that paragraph 6(2) to (8) (power of Department to give directions and guidance) are to apply, subject to such modifications as may be prescribed, as between the Department and a substituted person or body in relation to such social care and children functions as may be prescribed.

(8) The Department may by regulations make such amendments to any statutory provision as appear to the Department to be necessary or expedient to facilitate, or to be otherwise consequential on, the exercise of functions by virtue of a direction under sub-paragraph (1).”.

Commencement Information

I308 Sch. 1 para. 148 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I309 Sch. 1 para. 148 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

149. In Schedule 5, omit the amendment of section 11(1) of the Disabled Persons (Northern Ireland) Act 1989.

Commencement Information

I310 Sch. 1 para. 149 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I311 Sch. 1 para. 149 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Food Safety (Northern Ireland) Order 1991

150. In Article 8(9) of the Food Safety (Northern Ireland) Order 1991—

- (a) in sub-paragraph (b), for “the Health and Social Services Board” substitute “the Regional Agency for Public Health and Social Well-being”;
- (b) omit sub-paragraph (c).

Commencement Information

I312 Sch. 1 para. 150 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

I313 Sch. 1 para. 150 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

Social Security Contributions and Benefits (Northern Ireland) Act 1992

151. In Schedule 9 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992, in paragraph 1(2)—

- (a) omit “a Health and Social Services Board or”;
- (b) for the words from “a Health and Social Services trust” to the end substitute “a Health and Social Care trust.”.

Commencement Information

I314 Sch. 1 para. 151 not in operation at Royal Assent, see s. 8(1)(b)

I315 Sch. 1 para. 151 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

Social Security Administration (Northern Ireland) Act 1992

152. In section 14 of the Social Security Administration (Northern Ireland) Act 1992—

- (a) in subsections (1) and (3), for “Board” (in each place) substitute “trust”;
- (b) for subsection (4) substitute—
 - “(4) In this section “trust” means a Health and Social Care trust.”;
- (c) in the heading, for “Health and Social Services Boards” substitute “Health and Social Care trusts”.

Commencement Information

I316 Sch. 1 para. 152 not in operation at Royal Assent, see s. 8(1)(b)

I317 Sch. 1 para. 152 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

Access to Health Records (Northern Ireland) Order 1993

153.—(1) The Access to Health Records (Northern Ireland) Order 1993 is amended as follows.

- (2) In Article 2(2)—
 - (a) omit the definition of “Health and Social Services Board”;
 - (b) in the definition of “health service body”, omit paragraph (a).
- (3) In Article 3(2)—
 - (a) for “a Health and Social Services Board” (in both places) substitute “the Department”;

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(b) for “the Board” (in both places) substitute “the Department”.

Commencement Information

I318 Sch. 1 para. 153 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I319 Sch. 1 para. 153 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Health and Personal Social Services (Northern Ireland) Order 1994

154.—(1) The 1994 Order is amended as follows.

(2) Omit Articles 3 and 4.

(3) In Schedule 1, omit—

- (a) in the amendment to Articles 112, 113 and 114, the words from “and at the end of” to the end (that is to say, the insertion of paragraph (2) of each of those Articles);
- (b) the amendments that add Articles 115(4), 116(6) and 118(5);
- (c) the amendment to section 5(9) of the Disabled Persons (Northern Ireland) Act 1989;
- (d) the amendment that inserts the definition of “relevant authority” into section 11(1) of that Act;
- (e) the amendment to paragraph 13 of Schedule 3 to the 1991 Order.

Commencement Information

I320 Sch. 1 para. 154 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I321 Sch. 1 para. 154 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Children (Northern Ireland) Order 1995

155. The Children (Northern Ireland) Order 1995 is amended as follows.

Commencement Information

I322 Sch. 1 para. 155 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I323 Sch. 1 para. 155 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

156.—(1) Article 2 is amended as follows.

(2) In paragraph (2)—

- (a) in the definition of “authority”, for “and subject to paragraphs (3) and (4), a Board” substitute “, an HSC trust that is exercising social care and children

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functions within the meaning of Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991”;

(b) omit the definition of “Board”.

(3) Omit paragraph (3).

(4) For paragraph (4) substitute—

“(4) References in this Order to the area of an authority are to the operational area of an HSC trust (as defined in Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972).”.

Commencement Information

I324 Sch. 1 para. 156 not in operation at Royal Assent, see **s. 8(1)(b)**

I325 Sch. 1 para. 156 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

157. For Article 17A(3) substitute—

“(3) An assessment under this Article is to be carried out in such manner, and is to take such form, as the authority considers appropriate; but this is subject to any directions given to the authority under paragraph 6 of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991.”.

Commencement Information

I326 Sch. 1 para. 157 not in operation at Royal Assent, see **s. 8(1)(b)**

I327 Sch. 1 para. 157 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

158. For Article 18A(4) substitute—

“(4) An assessment under this Article is to be carried out in such manner, and is to take such form, as the authority considers appropriate; but this is subject to any directions given to the authority under paragraph 6 of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991.”.

Commencement Information

I328 Sch. 1 para. 158 not in operation at Royal Assent, see **s. 8(1)(b)**

I329 Sch. 1 para. 158 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

159. Omit Article 46(3)(a).

Commencement Information

I330 Sch. 1 para. 159 not in operation at Royal Assent, see **s. 8(1)(b)**

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I331 Sch. 1 para. 159 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

160. In Article 61(2), for the words from “functions exercisable on behalf of” to the end substitute “social care and children functions within the meaning of Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991 and functions exercisable by virtue of a delegation direction under Article 10B(1) of that Order.”.

Commencement Information

I332 Sch. 1 para. 160 not in operation at Royal Assent, see s. 8(1)(b)

I333 Sch. 1 para. 160 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

161. Omit Article 66(11)(a).

Commencement Information

I334 Sch. 1 para. 161 not in operation at Royal Assent, see s. 8(1)(b)

I335 Sch. 1 para. 161 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

162. In Article 121—

(a) in paragraph (2)(d), omit “Board or”;

(b) in paragraph (3)(a), omit “Board.”.

Commencement Information

I336 Sch. 1 para. 162 not in operation at Royal Assent, see s. 8(1)(b)

I337 Sch. 1 para. 162 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

163. In Article 149(5)(a), omit “Board or”.

Commencement Information

I338 Sch. 1 para. 163 not in operation at Royal Assent, see s. 8(1)(b)

I339 Sch. 1 para. 163 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

164. In Article 173(1), omit “Board or” (in each place).

Commencement Information

I340 Sch. 1 para. 164 not in operation at Royal Assent, see s. 8(1)(b)

I341 Sch. 1 para. 164 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

165.—(1) Article 174 is amended as follows.

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- (2) Omit paragraph (1).
- (3) In paragraph (3)—
 - (a) omit “(1) or”;
 - (b) omit “Board or”.
- (4) In paragraph (4)—
 - (a) for “(1) to” substitute “(2) and”;
 - (b) omit “Board or”.
- (5) In paragraphs (5) and (6), omit “Board or”.

Commencement Information

I342 Sch. 1 para. 165 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I343 Sch. 1 para. 165 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

- 166.**—(1) In Schedule 2, paragraph 2A is amended as follows.
- (2) In sub-paragraph (2)—
 - (a) for “Every Board” substitute “The Department”;
 - (b) omit “by it”.
 - (3) In sub-paragraph (3)—
 - (a) in the opening words, for “a Board” substitute “the Department”;
 - (b) in paragraph (a), omit the words from “the whole or any part” to the end;
 - (c) in paragraph (c), omit the words from “the whole or any part” to the end;
 - (d) in paragraph (d)—
 - (i) for “the Board” (in the first place) substitute “the Department”;
 - (ii) omit “by the Board” (in the first place);
 - (iii) omit “in the Board’s area”;
 - (iv) for “by the Board” (in the second place) substitute “by an HSC trust”;
 - (e) in paragraph (h), for “the Board” substitute “the Department”;
 - (f) omit paragraph (i) and the “and” preceding it.
 - (4) Omit sub-paragraph (4).

Commencement Information

I344 Sch. 1 para. 166 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I345 Sch. 1 para. 166 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

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Trade Union and Labour Relations (Northern Ireland) Order 1995

167. In Article 144 of the Trade Union and Labour Relations (Northern Ireland) Order 1995—

- (a) for “a Health and Social Services Board” (in each place) substitute “the Department of Health”;
- (b) for “that Board” (in both places) substitute “the Department of Health”.

Commencement Information

I346 Sch. 1 para. 167 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I347 Sch. 1 para. 167 in operation at 1.4.2022 by [S.R. 2022/102, art. 2\(b\)](#)

Education (Northern Ireland) Order 1996

168.—(1) The Education (Northern Ireland) Order 1996 is amended as follows.

(2) In Article 12A (as set out in section 4 of the Special Educational Needs and Disability Act (Northern Ireland) 2016), in paragraph (4), omit paragraph (a) of the definition of “health and social services authority”.

(3) In Article 14—

- (a) in paragraph (6), omit sub-paragraph (a);
- (b) in the heading, omit “health and social services boards and”.

Commencement Information

I348 Sch. 1 para. 168 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I349 Sch. 1 para. 168 in operation at 1.4.2022 by [S.R. 2022/102, art. 2\(b\)](#)

Employment Rights (Northern Ireland) Order 1996

169.—(1) The Employment Rights (Northern Ireland) Order 1996 is amended as follows.

(2) In Article 14(9), after sub-paragraph (c) add—

- “(d) the Regional Health and Social Care Board;
- (e) the Regional Agency for Public Health and Social Well-being;
- (f) the Regional Business Services Organisation.”.

(3) In Article 67K—

- (a) in paragraph (1)(ba) and (c), for “a Health and Social Services Board” substitute “the Department of Health”;

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- (b) in paragraph (2)(aa), for “the Board referred to in that sub-paragraph” substitute “the Department of Health”;
- (c) in paragraph (2)(b), for “the board referred to in that sub-paragraph” substitute “the Department of Health”.
- (4) In Article 78(6), omit sub-paragraph (a).

Commencement Information

I350 Sch. 1 para. 169 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I351 Sch. 1 para. 169 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Criminal Justice (Northern Ireland) Order 1996

170.—(1) Article 2 of the Criminal Justice (Northern Ireland) Order 1996 is amended as follows.

- (2) In paragraph (2)—
 - (a) omit the definition of “Board”;
 - (b) in the definition of “pre-sentence report”, for “a Board or” substitute “an”.
- (3) In paragraph (3), for the words from “by which functions” to the end of the paragraph substitute “that is exercising social care and children functions within the meaning of Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991.”.

Commencement Information

I352 Sch. 1 para. 170 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I353 Sch. 1 para. 170 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Health Services (Primary Care) (Northern Ireland) Order 1997

171. The Health Services (Primary Care) (Northern Ireland) Order 1997 is amended as follows.

Commencement Information

I354 Sch. 1 para. 171 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I355 Sch. 1 para. 171 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

- 172.** In Article 1(5), for “A board or” substitute “An”.

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Commencement Information

I356 Sch. 1 para. 172 not in operation at Royal Assent, see **s. 8(1)(b)**

I357 Sch. 1 para. 172 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

173. In Article 2(3), omit the definition of “board”.

Commencement Information

I358 Sch. 1 para. 173 not in operation at Royal Assent, see **s. 8(1)(b)**

I359 Sch. 1 para. 173 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

174.—(1) Article 3 is amended as follows.

(2) In paragraph (1)—

(a) for “a board with respect to its area and” substitute “the Department”;

(b) omit sub-paragraph (a);

(c) in sub-paragraph (b), for “the board” substitute “the Department”.

(3) Omit paragraph (2).

(4) In paragraph (3), in sub-paragraph (a), omit “personal medical services or”.

(5) In paragraph (5)—

(a) omit sub-paragraph (a);

(b) in sub-paragraph (b), for “the board concerned” substitute “the Department”.

(6) In paragraph (7), omit the definition of “personal medical services”.

Commencement Information

I360 Sch. 1 para. 174 not in operation at Royal Assent, see **s. 8(1)(b)**

I361 Sch. 1 para. 174 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

175. Omit Article 4.

Commencement Information

I362 Sch. 1 para. 175 not in operation at Royal Assent, see **s. 8(1)(b)**

I363 Sch. 1 para. 175 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

176. In Article 5(2), for “a board” substitute “the Department”.

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Commencement Information

I364 Sch. 1 para. 176 not in operation at Royal Assent, see **s. 8(1)(b)**

I365 Sch. 1 para. 176 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

177. Omit Articles 6 and 7.

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Commencement Information

I366 Sch. 1 para. 177 not in operation at Royal Assent, see **s. 8(1)(b)**

I367 Sch. 1 para. 177 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

178. For Article 8 substitute—

“Implementation of pilot schemes

8.—(1) Before implementing a pilot scheme the Department must—

- (a) prepare proposals for the scheme, and
- (b) consult such persons as appear to it to be representative of persons who, in the opinion of the Department, may be significantly affected by the scheme.

(2) Proposals for a pilot scheme must include satisfactory provision for any participant other than the Department to withdraw from the scheme if the participant wishes to do so.

(3) A proposed participant in a pilot scheme (other than the Department) may withdraw at any time before the scheme is implemented in relation to that person.

(4) As soon as is reasonably practicable after implementing a pilot scheme, the Department must publish such details of the scheme as it considers to be appropriate.”.

.....

Commencement Information

I368 Sch. 1 para. 178 not in operation at Royal Assent, see **s. 8(1)(b)**

I369 Sch. 1 para. 178 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

179. In Article 9(3), omit sub-paragraph (a).

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Commencement Information

I370 Sch. 1 para. 179 not in operation at Royal Assent, see **s. 8(1)(b)**

I371 Sch. 1 para. 179 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

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180.—(1) Article 10 is amended as follows.

(2) In paragraph (1), for the words from “by directions” to the end of the paragraph substitute “vary a pilot scheme that has been implemented.”.

(3) In paragraph (2)—

(a) for “Directions under paragraph (1) may be given” substitute “The Department may vary a pilot scheme under paragraph (1)”;

(b) in sub-paragraph (a), for “the board or by any other” substitute “any”.

(4) For paragraph (3) substitute—

“(3) A participant in a pilot scheme (other than the Department) may withdraw at any time before a variation of the scheme is implemented in relation to that person.

(3A) As soon as is reasonably practical after implementing a variation, the Department must publish such details of the scheme as varied as it considers to be appropriate.”.

(5) In paragraph (4), for the words from “give directions” to the end of the paragraph substitute “bring the scheme to an end.”.

Commencement Information

I372 Sch. 1 para. 180 not in operation at Royal Assent, see **s. 8(1)(b)**

I373 Sch. 1 para. 180 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

181.—(1) Article 11 is amended as follows.

(2) In paragraph (1), omit the words from “, apart from Article 17(1)” to “its behalf)”.

(3) In paragraph (2), omit sub-paragraph (b) and the preceding “but”.

(4) Omit paragraph (3).

Commencement Information

I374 Sch. 1 para. 181 not in operation at Royal Assent, see **s. 8(1)(b)**

I375 Sch. 1 para. 181 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

182. Omit Articles 12, 13, 14 and 16.

Commencement Information

I376 Sch. 1 para. 182 not in operation at Royal Assent, see **s. 8(1)(b)**

I377 Sch. 1 para. 182 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

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183.—(1) Article 18 is amended as follows.

(2) In paragraph (1), for “boards” substitute “the Department”.

(3) In paragraph (3), for “a board” (in both places) substitute “the Department”.

Commencement Information

I378 Sch. 1 para. 183 not in operation at Royal Assent, see **s. 8(1)(b)**

I379 Sch. 1 para. 183 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

184. Omit Articles 27 and 28.

Commencement Information

I380 Sch. 1 para. 184 not in operation at Royal Assent, see **s. 8(1)(b)**

I381 Sch. 1 para. 184 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

185. In Article 31, omit paragraphs (4) and (5).

Commencement Information

I382 Sch. 1 para. 185 not in operation at Royal Assent, see **s. 8(1)(b)**

I383 Sch. 1 para. 185 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

186. Omit Schedule 1.

Commencement Information

I384 Sch. 1 para. 186 not in operation at Royal Assent, see **s. 8(1)(b)**

I385 Sch. 1 para. 186 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Freedom of Information Act 2000

187. In Schedule 1 to the Freedom of Information Act 2000—

(a) in paragraph 48, for “Health and Social Services Trust” substitute “Health and Social Care trust”;

(b) omit paragraph 51C.

Commencement Information

I386 Sch. 1 para. 187 not in operation at Royal Assent, see **s. 8(1)(b)**

I387 Sch. 1 para. 187 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

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Criminal Justice and Court Services Act 2000

188.—(1) Section 36 of the Criminal Justice and Court Services Act 2000 is amended as follows.

(2) For subsection (8)(a) substitute—

“(a) a position whose normal duties consist wholly or mainly of the direction or oversight of the exercise of the functions of the Department of Health in Northern Ireland that are mentioned in subsection (8A).”

(3) In subsection (8)(b), for “Health and Social Services trust” substitute “Health and Social Care trust”.

(4) After subsection (8) insert—

“(8A) The functions referred to in subsection (8)(a) are those functions of the Department that relate to, or are exercised in connection with, the social care and children functions of Health and Social Care trusts (within the meaning given by Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991).”

Commencement Information

I388 Sch. 1 para. 188 not in operation at Royal Assent, see **s. 8(1)(b)**

I389 Sch. 1 para. 188 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Health and Personal Social Services Act (Northern Ireland) 2001

189.—(1) The Health and Personal Social Services Act (Northern Ireland) 2001 is amended as follows.

(2) In section 2(3)—

(a) in paragraph (a), for “the Regional Board or an” substitute “the Department or an”;

(b) in paragraph (d), for “the Regional Board” substitute “the Department”.

(3) In section 51(4)—

(a) for “the Regional Board” substitute “the Department”;

(b) omit “which occurred in the Board’s area”.

(4) Omit section 54(1)(a).

Commencement Information

I390 Sch. 1 para. 189 not in operation at Royal Assent, see **s. 8(1)(b)**

I391 Sch. 1 para. 189 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Changes to legislation: *Health and Social Care Act (Northern Ireland) 2022* is up to date with all changes known to be in force on or before 14 March 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](#)

Carers and Direct Payments Act (Northern Ireland) 2002

190.—(1) The Carers and Direct Payments Act (Northern Ireland) 2002 is amended as follows.

(2) For section 1(4) substitute—

“(4) An assessment under this section is to be carried out in such manner, and is to take such form, as the authority considers appropriate; but this is subject to any directions given to the authority under paragraph 6 of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991.”.

(3) For section 10(3) substitute—

“(3) In this Act “authority”, in relation to a person, means the HSC trusting whose area the person resides.”.

Commencement Information

I392 Sch. 1 para. 190 not in operation at Royal Assent, see **s. 8(1)(b)**

I393 Sch. 1 para. 190 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Health and Personal Social Services Act (Northern Ireland) 2002

191. Omit section 1(3) of the Health and Personal Social Services Act (Northern Ireland) 2002.

Commencement Information

I394 Sch. 1 para. 191 not in operation at Royal Assent, see **s. 8(1)(b)**

I395 Sch. 1 para. 191 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Justice (Northern Ireland) Act 2002

192. In section 46 of the Justice (Northern Ireland) Act 2002—

(a) in subsection (1)(i), omit “Health and Social Services Boards and”;

(b) in subsection (5), omit “a Health and Social Services Board or”.

Commencement Information

I396 Sch. 1 para. 192 not in operation at Royal Assent, see **s. 8(1)(b)**

I397 Sch. 1 para. 192 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

Adoption and Children Act 2002

193.—(1) The Adoption and Children Act 2002 is amended as follows.

(2) In section 63—

- (a) in subsection (4)(a), for the words from “Health and Social Services Board” to the end of the paragraph substitute “Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991,”;
- (b) in subsection (4)(b), for “adoption society which is registered under Article 4” substitute “appropriate voluntary organisation within the meaning of Article 2(2)”;
- (c) omit subsection (5).

(3) In section 65(2)(b)—

- (a) for “a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14))” substitute “a Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991”;
- (b) for “adoption society which is registered under Article 4” substitute “appropriate voluntary organisation within the meaning of Article 2(2)”.

Commencement Information

I398 Sch. 1 para. 193 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I399 Sch. 1 para. 193 in operation at 1.4.2022 by S.R. 2022/102, [art. 2\(b\)](#)

Nationality, Immigration and Asylum Act 2002

194.—(1) Section 46(7) of the Nationality, Immigration and Asylum Act 2002 is amended as follows.

(2) In Article 15(7) of the 1972 Order as set out in that subsection, for “the Department” substitute “an HSC trust”.

Commencement Information

I400 Sch. 1 para. 194 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I401 Sch. 1 para. 194 in operation at 1.4.2022 by S.R. 2022/102, [art. 2\(b\)](#)

Marriage (Northern Ireland) Order 2003

195.—(1) The Marriage (Northern Ireland) Order 2003 is amended as follows.

Changes to legislation: *Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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*

(2) In Article 22(2)(c), omit “Health and Social Services Board or”.

(3) In Article 29(3)(b), for “Health and Social Services Board” substitute “Health and Social Care trust”.

Commencement Information

I402 Sch. 1 para. 195 not in operation at Royal Assent, see **s. 8(1)(b)**

I403 Sch. 1 para. 195 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003

196.—(1) The Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 is amended as follows.

(2) In Article 2(2), in the definition of “director of social care”, for paragraph (a) substitute—

“(a) a person employed in a role the normal duties of which consist wholly or mainly of the direction or oversight of the exercise of the functions of the Department that are mentioned in paragraph (2A), or”.

(3) After Article 2(2) insert—

“(2A) The functions of the Department referred to in the definition of “director of social care” are those functions that relate to, or are exercised in connection with, the social care and children functions of Health and Social Care trusts (within the meaning given by Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991).”.

(4) In Article 29(1), for “a director of social care” substitute “an executive director of social work of a Health and Social Care trust”.

(5) In Article 31(6)(a), omit “a Health and Social Services Board or”.

Commencement Information

I404 Sch. 1 para. 196 not in operation at Royal Assent, see **s. 8(1)(b)**

I405 Sch. 1 para. 196 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003

197. The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 is amended as follows.

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

Commencement Information

I406 Sch. 1 para. 197 not in operation at Royal Assent, see **s. 8(1)(b)**

I407 Sch. 1 para. 197 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

198. In Article 4(1)(b), omit “Health and Social Services Boards,”.

Commencement Information

I408 Sch. 1 para. 198 not in operation at Royal Assent, see **s. 8(1)(b)**

I409 Sch. 1 para. 198 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

199. In Article 21(3), for the words from “the Department” to the end of the paragraph substitute “the following persons of the making of the application—

- “(a) the Department;
- (b) the HSC trust in whose operational area the establishment or agency in question is located; and
- (c) any HSC trust that has entered into arrangements with the establishment or agency under paragraph 13 of Schedule 3 to the the Health and Personal Social Services (Northern Ireland) Order 1991.”.

Commencement Information

I410 Sch. 1 para. 199 not in operation at Royal Assent, see **s. 8(1)(b)**

I411 Sch. 1 para. 199 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

200. In Article 34(1)—

- (a) omit “Each Health and Social Services Board and”;
- (b) for “them” substitute “that care”.

Commencement Information

I412 Sch. 1 para. 200 not in operation at Royal Assent, see **s. 8(1)(b)**

I413 Sch. 1 para. 200 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

201. In Article 35(9), omit “a Health and Social Services Board,”.

Commencement Information

I414 Sch. 1 para. 201 not in operation at Royal Assent, see **s. 8(1)(b)**

I415 Sch. 1 para. 201 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

202. In Article 36(1)—

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- (a) omit “Each Health and Social Services Board and”;
- (b) in sub-paragraph (a), omit “Board’s or”;
- (c) in sub-paragraph (b), omit “Board or”.

Commencement Information

- I416** Sch. 1 para. 202 not in operation at Royal Assent, see **s. 8(1)(b)**
- I417** Sch. 1 para. 202 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

203. In Article 37(1), omit “Health and Social Services Boards and”.

Commencement Information

- I418** Sch. 1 para. 203 not in operation at Royal Assent, see **s. 8(1)(b)**
- I419** Sch. 1 para. 203 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

204. In Article 39(1)—

- (a) for “a Health and Social Services Board,” substitute “an”;
- (b) omit “Board,”.

Commencement Information

- I420** Sch. 1 para. 204 not in operation at Royal Assent, see **s. 8(1)(b)**
- I421** Sch. 1 para. 204 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

205. In Article 41—

- (a) in paragraph (1), for “a Health and Social Services Board,” substitute “an”;
- (b) in the heading, for “Boards and HSC trusts, etc.” substitute “HSC trusts, special agencies and service providers”.

Commencement Information

- I422** Sch. 1 para. 205 not in operation at Royal Assent, see **s. 8(1)(b)**
- I423** Sch. 1 para. 205 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

206. In the heading to Part 5, omit “BOARDS AND”.

Commencement Information

- I424** Sch. 1 para. 206 not in operation at Royal Assent, see **s. 8(1)(b)**
- I425** Sch. 1 para. 206 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

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Commissioner for Children and Young People (Northern Ireland) Order 2003

207.—(1) The Commissioner for Children and Young People (Northern Ireland) Order 2003 is amended as follows.

(2) In Article 2(2), in the definition of “health and social care body”, omit paragraph (a).

(3) In Article 3(2), omit “a Health and Social Services Board or”.

Commencement Information

I426 Sch. 1 para. 207 not in operation at Royal Assent, see **s. 8(1)(b)**

I427 Sch. 1 para. 207 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Domestic Violence, Crime and Victims Act 2004

208. In section 9(4)(b) of the Domestic Violence, Crime and Victims Act 2004—

(a) omit the words from “Health and Social Services Boards” to “(N.I. 14));”;

(b) for “Health and Social Services trusts” substitute “Health and Social Care trusts”.

Commencement Information

I428 Sch. 1 para. 208 not in operation at Royal Assent, see **s. 8(1)(b)**

I429 Sch. 1 para. 208 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Civil Partnership Act 2004

209.—(1) The Civil Partnership Act 2004 is amended as follows.

(2) In section 149(3)(b), for “Health and Social Services Board” substitute “Health and Social Care trust”.

(3) In Schedule 13—

(a) in paragraph 1, in column 2 of the table, for “Health and Social Services Board or Health and Social Services trust” substitute “Health and Social Care trust”;

(b) in paragraph 2, for “Health and Social Services trust” substitute “Health and Social Care trust”.

Commencement Information

I430 Sch. 1 para. 209 not in operation at Royal Assent, see **s. 8(1)(b)**

I431 Sch. 1 para. 209 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

Emergency Workers (Obstruction) Act 2006

210. In the Emergency Workers (Obstruction) Act 2006, in section 1(5)(b), for “Health and Social Services trust or Health and Social Services Board” substitute “Health and Social Care trust”.

Commencement Information

I432 Sch. 1 para. 210 not in operation at Royal Assent, see **s. 8(1)(b)**

I433 Sch. 1 para. 210 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Recovery of Health Services Charges (Northern Ireland) Order 2006

211. In Article 17(3)(b) of the Recovery of Health Services Charges (Northern Ireland) Order 2006, omit “a Health and Social Services Board or”.

Commencement Information

I434 Sch. 1 para. 211 not in operation at Royal Assent, see **s. 8(1)(b)**

I435 Sch. 1 para. 211 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Water and Sewerage Services (Northern Ireland) Order 2006

212.—(1) Article 118 of the Water and Sewerage Services (Northern Ireland) Order 2006 is amended as follows.

(2) In paragraph (2), for the words from “the district council” to the end substitute “the persons set out in paragraph (2A).”.

(3) After paragraph (2) insert—

“(2A) The persons are—

- (a) the district council for the district in which the premises are, and the supply is, situated;
- (b) the HSC trust for the area in which the premises are, and the supply is, situated;
- (c) the Regional Agency for Public Health and Social Well-being.”.

Commencement Information

I436 Sch. 1 para. 212 not in operation at Royal Assent, see **s. 8(1)(b)**

I437 Sch. 1 para. 212 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

Corporate Manslaughter and Corporate Homicide Act 2007

213. In section 6(7)(d) of the Corporate Manslaughter and Corporate Homicide Act 2007, for “Health and Social Services trust or Health and Social Services Board” substitute “Health and Social Care trust”.

Commencement Information

I438 Sch. 1 para. 213 not in operation at Royal Assent, see **s. 8(1)(b)**

I439 Sch. 1 para. 213 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

214.—(1) In Article 2 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, the definition of “HSC body” is amended as follows.

(2) For “within the meaning of the Health and Social Care (Reform) Act (Northern Ireland) 2009” substitute “(see the Health and Social Care (Reform) Act (Northern Ireland) 2009 for the bodies mentioned in paragraphs (b) to (e))”.

(3) For paragraph (a) substitute—

“(a) the Department of Health;”.

Commencement Information

I440 Sch. 1 para. 214 not in operation at Royal Assent, see **s. 8(1)(b)**

I441 Sch. 1 para. 214 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Health (Miscellaneous Provisions) Act (Northern Ireland) 2008

215. The Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 is amended as follows.

Commencement Information

I442 Sch. 1 para. 215 not in operation at Royal Assent, see **s. 8(1)(b)**

I443 Sch. 1 para. 215 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

216.—(1) Section 2 (which inserts new Article 60A and substitutes new Articles 61 to 61F of the 1972 Order) is amended in accordance with paragraphs 217 to 223; and any reference in those paragraphs to a numbered Article is to that Article as set out in that section.

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

Commencement Information

I444 Sch. 1 para. 216 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I445 [Sch. 1 para. 216](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

217.—(1) Article 60A is amended as follows.

(2) In paragraph (1)—

(a) for “Each Health and Social Services Board” substitute “The Department”;

(b) omit “exercise its powers so as to”;

(c) omit “within its area” (in both places).

(3) In paragraph (2)—

(a) for “A Health and Social Services Board” substitute “The Department”;

(b) omit “(whether within or outside its area)” (in both places).

(4) In paragraph (3), for “Each Health and Social Services Board” substitute “The Department”.

(5) Omit paragraph (4).

Commencement Information

I446 Sch. 1 para. 217 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I447 [Sch. 1 para. 217](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

218.—(1) Article 61 is amended as follows.

(2) In paragraph (1), for “A Health and Social Services Board” substitute “The Department”.

(3) In paragraphs (3) and (5), for “the Health and Social Services Board” substitute “the Department”.

(4) In paragraph (4), omit sub-paragraph (b).

Commencement Information

I448 Sch. 1 para. 218 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I449 [Sch. 1 para. 218](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

219. In Article 61B(1), for “A Health and Social Services Board” substitute “The Department”.

Commencement Information

I450 Sch. 1 para. 219 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

I451 Sch. 1 para. 219 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

220.—(1) Article 61C is amended as follows.

(2) In paragraph (1), for “give directions as to” substitute “make a scheme providing for”.

(3) In paragraph (2), for “directions” substitute “any scheme”.

(4) In paragraph (3)—

(a) for “directions” substitute “a scheme”;

(b) for “direction” (in each place) substitute “scheme”;

(c) in sub-paragraph (b)(i), for “any scheme” substitute “any method of calculation”;

(d) in sub-paragraph (d), for “a Health and Social Services Board” substitute “the Department”.

(5) In paragraph (4)—

(a) for “giving a direction” substitute “making a scheme”;

(b) in sub-paragraph (a), for “direction” substitute “scheme”.

(6) After paragraph (4) insert—

“(4A) The Department must publish a scheme under paragraph (1) in such manner as it thinks appropriate.”.

Commencement Information

I452 Sch. 1 para. 220 not in operation at Royal Assent, see s. 8(1)(b)

I453 Sch. 1 para. 220 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

221. In Article 61D(3), for “a Health and Social Services Board” substitute “the Department”.

Commencement Information

I454 Sch. 1 para. 221 not in operation at Royal Assent, see s. 8(1)(b)

I455 Sch. 1 para. 221 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

222.—(1) Article 61E is amended as follows.

(2) In paragraph (2)—

(a) after “paragraph (1) may” insert “in particular”;

(b) in sub-paragraph (a), for “the Department” substitute “a prescribed body”;

(c) in sub-paragraph (b), for “the Department, or a person appointed by it,” substitute “that body”.

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

(3) After paragraph (2) insert—

“(2A) Regulations making provision as to the matters referred to in paragraph (2)(a) and (b) may make provision—

- (a) as to the members of the body, including the terms and conditions of their appointment;
- (b) for the payment of fees and allowances to members of the body.”.

Commencement Information

I456 Sch. 1 para. 222 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I457 [Sch. 1 para. 222](#) in operation at 1.4.2022 by [S.R. 2022/102, art. 2\(b\)](#)

223.—(1) Article 61F is amended as follows.

(2) In paragraphs (1) and (2), for “the Regional Board” substitute “the Department”.

(3) In paragraph (3), for “, (3B) and (4)” substitute “and (3B)”.

Commencement Information

I458 Sch. 1 para. 223 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I459 [Sch. 1 para. 223](#) in operation at 1.4.2022 by [S.R. 2022/102, art. 2\(b\)](#)

224. In section 3—

- (a) for “a Health and Social Services Board” (in both places) substitute “the Department”;
- (b) in subsection (4), for the words from “the Department” to the end of the subsection substitute “a body specified in the order.”;
- (c) after subsection (4) insert—

“(4A) An order specifying a body for the purposes of subsection (4) may make provision—

- (a) as to the members of the body, including the terms and conditions of their appointment;
- (b) for the payment of fees and allowances to members of the body.”.

Commencement Information

I460 Sch. 1 para. 224 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I461 [Sch. 1 para. 224](#) in operation at 1.4.2022 by [S.R. 2022/102, art. 2\(b\)](#)

225. In section 6, for “a Health and Social Services Board” substitute “the Department”.

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

Commencement Information

I462 Sch. 1 para. 225 not in operation at Royal Assent, see **s. 8(1)(b)**

I463 Sch. 1 para. 225 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Criminal Justice (Northern Ireland) Order 2008

226.—(1) The Criminal Justice (Northern Ireland) Order 2008 is amended as follows.

(2) In Article 3(1), omit the definition of “HSS Board”.

(3) In Article 4(1), in the definition of “pre-sentence report”—

(a) in paragraph (a), omit “HSS Board or”;

(b) for the words from “by which functions” to the end of the definition substitute “that is exercising social care and children functions within the meaning of Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991.”.

(4) In Article 49(1)(g), omit “HSS Boards and”.

Commencement Information

I464 Sch. 1 para. 226 not in operation at Royal Assent, see **s. 8(1)(b)**

I465 Sch. 1 para. 226 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Sexual Offences (Northern Ireland) Order 2008

227. In the Sexual Offences (Northern Ireland) Order 2008, in Article 55(3)—

(a) omit sub-paragraph (a);

(b) in the words following sub-paragraph (e), omit “Board.”.

Commencement Information

I466 Sch. 1 para. 227 not in operation at Royal Assent, see **s. 8(1)(b)**

I467 Sch. 1 para. 227 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Health and Social Care (Reform) Act (Northern Ireland) 2009

228. The Health and Social Care (Reform) Act (Northern Ireland) 2009 is amended as follows.

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

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Commencement Information

I468 Sch. 1 para. 228 not in operation at Royal Assent, see **s. 8(1)(b)**

I469 Sch. 1 para. 228 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

229. In section 1(5), omit paragraph (a).

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Commencement Information

I470 Sch. 1 para. 229 not in operation at Royal Assent, see **s. 8(1)(b)**

I471 Sch. 1 para. 229 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

230. In section 2(3)(h), omit “the Regional Board,”.

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Commencement Information

I472 Sch. 1 para. 230 not in operation at Royal Assent, see **s. 8(1)(b)**

I473 Sch. 1 para. 230 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

231. In section 6(1), omit paragraph (a).

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Commencement Information

I474 Sch. 1 para. 231 not in operation at Royal Assent, see **s. 8(1)(b)**

I475 Sch. 1 para. 231 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

232. Omit sections 7 and 8 and the italic heading before section 7.

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Commencement Information

I476 Sch. 1 para. 232 not in operation at Royal Assent, see **s. 8(1)(b)**

I477 Sch. 1 para. 232 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

233. In section 9, omit subsections (1), (3)(b), (6)(b) and (7).

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Commencement Information

I478 Sch. 1 para. 233 not in operation at Royal Assent, see **s. 8(1)(b)**

I479 Sch. 1 para. 233 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

234. Omit sections 10 and 11.

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

Commencement Information

I480 Sch. 1 para. 234 not in operation at Royal Assent, see **s. 8(1)(b)**

I481 Sch. 1 para. 234 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

235. In section 13(6)(b)—

- (a) omit “, the Regional Board and Local Commissioning Groups”;
- (b) for “they” substitute “it”;
- (c) for “their” substitute “its”.

Commencement Information

I482 Sch. 1 para. 235 not in operation at Royal Assent, see **s. 8(1)(b)**

I483 Sch. 1 para. 235 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

236. In section 17(8), omit paragraph (b).

Commencement Information

I484 Sch. 1 para. 236 not in operation at Royal Assent, see **s. 8(1)(b)**

I485 Sch. 1 para. 236 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

237.—(1) Section 24 is amended as follows.

- (2) Omit subsection (2).
- (3) In subsection (3)—
 - (a) for “Subsections (1) and (2)” substitute “Subsection (1)”;
 - (b) for “apply” substitute “applies”;
 - (c) for “are” substitute “is”.
- (4) In subsection (4), for “subsections (1) and (2) are” substitute “subsection (1) is”.

Commencement Information

I486 Sch. 1 para. 237 not in operation at Royal Assent, see **s. 8(1)(b)**

I487 Sch. 1 para. 237 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

238. In section 27(2), omit paragraph (b).

Commencement Information

I488 Sch. 1 para. 238 not in operation at Royal Assent, see **s. 8(1)(b)**

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

I489 Sch. 1 para. 238 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

239. In section 29(3), omit “or the Regional Board”.

Commencement Information

I490 Sch. 1 para. 239 not in operation at Royal Assent, see s. 8(1)(b)

I491 Sch. 1 para. 239 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

240. In section 31, omit the definition of “the Regional Board”.

Commencement Information

I492 Sch. 1 para. 240 not in operation at Royal Assent, see s. 8(1)(b)

I493 Sch. 1 para. 240 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

241. In Schedule 1 omit—

- (a) paragraphs 1 to 7;
- (b) paragraphs 8 to 11(1), except so far as those paragraphs apply to, or relate to, the Local Commissioning Groups and their members;
- (c) paragraph 11(2);
- (d) paragraphs 12 to 21.

Commencement Information

I494 Sch. 1 para. 241 not in operation at Royal Assent, see s. 8(1)(b)

I495 Sch. 1 para. 241 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

242. In Schedule 6 omit—

- (a) paragraph 3(49) and (50)(b);
- (b) paragraph 13(1) and (8)(b);
- (c) paragraph 18(1)(b).

Commencement Information

I496 Sch. 1 para. 242 not in operation at Royal Assent, see s. 8(1)(b)

I497 Sch. 1 para. 242 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

Commissioner for Older People Act (Northern Ireland) 2011

243. In section 27 of the Commissioner for Older People Act (Northern Ireland) 2011, in the definition of “health and social care body”, omit paragraph (a).

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

Commencement Information

I498 Sch. 1 para. 243 not in operation at Royal Assent, see **s. 8(1)(b)**

I499 Sch. 1 para. 243 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Safeguarding Board Act (Northern Ireland) 2011

244.—(1) The Safeguarding Board Act (Northern Ireland) 2011 is amended as follows.

(2) In section 1—

(a) omit subsection (3)(a);

(b) after subsection (3) insert—

“(3A) The persons who may be prescribed under subsection (2) (b) include any individual employed in a role the normal duties of which consist wholly or mainly of the direction or oversight of the exercise of the functions of the Department that are mentioned in subsection (3B) (and for that purpose the employer of such an individual may be prescribed under subsection (3)(j)).

(3B) Those functions are the functions of the Department that relate to, or are exercised in connection with, the social care and children functions of Health and Social Care trusts (within the meaning given by Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991).”.

(3) In section 3(6)—

(a) for “the Regional Health and Social Care Board” substitute “the Department”;

(b) omit “and Local Commissioning Groups”.

(4) In section 12(1), omit paragraph (a).

Commencement Information

I500 Sch. 1 para. 244 not in operation at Royal Assent, see **s. 8(1)(b)**

I501 Sch. 1 para. 244 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Health and Social Care (Amendment) Act (Northern Ireland) 2014

245. In section 3(1) of the Health and Social Care (Amendment) Act (Northern Ireland) 2014, omit “1,” and “the Regional Health and Social Care Board.”.

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

Commencement Information

I502 Sch. 1 para. 245 not in operation at Royal Assent, see **s. 8(1)(b)**

I503 Sch. 1 para. 245 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Modern Slavery Act 2015

246. In Schedule 3 to the Modern Slavery Act 2015, omit the reference to the Regional Health and Social Care Board.

Commencement Information

I504 Sch. 1 para. 246 not in operation at Royal Assent, see **s. 8(1)(b)**

I505 Sch. 1 para. 246 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

247. In section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015—

- (a) in subsection (1), for “The Regional Health and Social Care Board” substitute “The Department”;
- (b) in subsections (3) and (4)(e)(iv), for “the Regional Health and Social Care Board” substitute “the Department”;
- (c) in subsections (5) and (9), for “The Department of Health, Social Services and Public Safety” substitute “The Department”;
- (d) in subsection (11), after the definition of “charity” insert—
“the Department” means the Department of Health;”.

Commencement Information

I506 Sch. 1 para. 247 not in operation at Royal Assent, see **s. 8(1)(b)**

I507 Sch. 1 para. 247 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Children’s Services Co-operation Act (Northern Ireland) 2015

248. In section 9 of the Children’s Services Co-operation Act (Northern Ireland) 2015—

- (a) in subsection (1), in the definition of “children’s authority”, omit paragraph (iv);
- (b) in subsection (2), omit “the Regional Health and Social Care Board or”.

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

Commencement Information

- I508** Sch. 1 para. 248 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
I509 Sch. 1 para. 248 in operation at 1.4.2022 by S.R. 2022/102, [art. 2\(b\)](#)

Welfare Reform (Northern Ireland) Order 2015

249. In Article 120(8) of the Welfare Reform (Northern Ireland) Order 2015, in the definition of “relevant body”, omit paragraph (b).

Commencement Information

- I510** Sch. 1 para. 249 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
I511 Sch. 1 para. 249 in operation at 1.4.2022 by S.R. 2022/102, [art. 2\(b\)](#)

Public Services Ombudsman Act (Northern Ireland) 2016

250.—(1) The Public Services Ombudsman Act (Northern Ireland) 2016 is amended as follows.

(2) In section 59, in the definition of “health and social care body”, omit paragraph (c).

(3) In Schedule 3, omit the reference to the Regional Health and Social Care Board.

(4) In Schedule 5, in paragraph 2, for “the Regional Health and Social Care Board” substitute “the Department of Health”.

Commencement Information

- I512** Sch. 1 para. 250 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
I513 Sch. 1 para. 250 in operation at 1.4.2022 by S.R. 2022/102, [art. 2\(b\)](#)

Special Educational Needs and Disability Act (Northern Ireland) 2016

251.—(1) This paragraph applies if paragraph 168(3)(a) (amendment of Article 14 of the Education (Northern Ireland) Order 1996) comes into operation before the amendment made to that Article by subsection (4) of section 5 of the Special Educational Needs and Disability Act (Northern Ireland) 2016.

(2) That subsection is amended as follows—

- (a) for “sub-paragraphs (a) and (b)” substitute “sub-paragraph (b)”;
 (b) omit sub-paragraph (a) in the substituted text.

Changes to legislation: *Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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*

Commencement Information

I514 Sch. 1 para. 251 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I515 Sch. 1 para. 251 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Mental Capacity Act (Northern Ireland) 2016

252.—(1) The Mental Capacity Act (Northern Ireland) 2016 is amended as follows.

(2) In section 120(3), for “the Regional Board” substitute “the Department”.

(3) In section 121(6), in the definition of “relevant record”, omit paragraph (b).

(4) In section 127(5), omit paragraph (b).

(5) In section 128(2)(b) and (3)(b), for “the Regional Board” substitute “the Department”.

(6) In section 131(5), omit paragraph (b).

(7) In section 298(3), omit “, the Regional Board”.

(8) In section 306(1), omit the definition of “the Regional Board”.

Commencement Information

I516 Sch. 1 para. 252 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I517 Sch. 1 para. 252 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Rural Needs Act (Northern Ireland) 2016

253. In the Schedule to the Rural Needs Act (Northern Ireland) 2016, omit the reference to the Regional Health and Social Care Board.

Commencement Information

I518 Sch. 1 para. 253 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

I519 Sch. 1 para. 253 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

Justice Act (Northern Ireland) 2016

254. In section 44(2) of the Justice Act (Northern Ireland) 2016, for paragraph (h) substitute—

“(h) to the Department of Health for the purposes of the exercise of any of the functions of that Department in relation to any matter arising in connection with an investigation under this Part;”.

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

Commencement Information

- I520** Sch. 1 para. 254 not in operation at Royal Assent, see **s. 8(1)(b)**
I521 Sch. 1 para. 254 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016

255. Omit section 6(2) of the Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016.

Commencement Information

- I522** Sch. 1 para. 255 not in operation at Royal Assent, see **s. 8(1)(b)**
I523 Sch. 1 para. 255 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Health (Miscellaneous Provisions) Act (Northern Ireland) 2016

256. Omit section 13(1) of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016.

Commencement Information

- I524** Sch. 1 para. 256 not in operation at Royal Assent, see **s. 8(1)(b)**
I525 Sch. 1 para. 256 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Coronavirus Act 2020

257. In paragraph 4(5) of Schedule 7 to the Coronavirus Act 2020, omit paragraph (b).

Commencement Information

- I526** Sch. 1 para. 257 not in operation at Royal Assent, see **s. 8(1)(b)**
I527 Sch. 1 para. 257 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

SCHEDULE 2

Section 3.

Local Commissioning Groups

Statutory provisions to continue to operate in relation to Groups as continued

1.—(1) The following provisions continue to apply to or in relation to Local Commissioning Groups and their members—

- (a) section 9(2), (3)(a), (4), (5) and (6)(a) and (c) of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (“the 2009 Act”);
- (b) paragraphs 8 to 11(1) of Schedule 1 to the 2009 Act, so far as those paragraphs apply to, or relate to, committees of the Regional Board and their members;
- (c) regulations 1, 2(2) and 3 of, and the Schedule to, the Local Commissioning Groups (Number, Area and Functions) Regulations (Northern Ireland) 2009 (S.R. 2009/99);
- (d) the Local Commissioning Groups (Membership) Regulations (Northern Ireland) 2009 (S.R. 2009/395) (the “Membership Regulations”), except regulation 3(1) to (3) (appointments);

but this is subject to the modifications made by sub-paragraph (2).

(2) The provisions applied by sub-paragraph (1) are modified as follows—

- (a) the power conferred by paragraph 9 of Schedule 1 to the 2009 Act is conferred on the Department, and in that paragraph the words “Without prejudice to section 19(1)(a)(v) of the [Interpretation Act \(Northern Ireland\) 1954 \(c. 33\)](#)” are omitted;
- (b) in the Membership Regulations—
 - (i) references (however expressed) to employment by the Regional Board are to be read as references to employment by the Department or the Regional Business Services Organisation;
 - (ii) other references to the Regional Board are to be read as references to the Department.

Commencement Information

I528 Sch. 2 para. 1 not in operation at Royal Assent, see [s. 8\(1\)\(c\)](#)

I529 Sch. 2 para. 1 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(c\)](#)

2. Paragraph 1 does not affect the continued operation of any other statutory provision that applies to, or relates to, Local Commissioning Groups.

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

Commencement Information

I530 Sch. 2 para. 2 not in operation at Royal Assent, see **s. 8(1)(c)**

I531 Sch. 2 para. 2 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(c)**

Appointments and terms of office

3.—(1) Any person who is a member of a Local Commissioning Group immediately before the dissolution of the Regional Board is to continue to be a member of that Group; but this is subject to the following provisions of this paragraph.

(2) The term of office of a person who is a member of a Group by virtue of sub-paragraph (1) is to end six months after the date on which the Regional Board is dissolved.

(3) The Department may direct in writing that the term of office under sub-paragraph (2) is to be extended by such period, not exceeding 12 months, as may be specified in the direction.

(4) The Department may exercise the power conferred by sub-paragraph (3) more than once.

Commencement Information

I532 Sch. 2 para. 3 not in operation at Royal Assent, see **s. 8(1)(c)**

I533 Sch. 2 para. 3 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(c)**

4.—(1) In the event of any vacancy in the membership of a Local Commissioning Group (as determined in accordance with regulation 2 of the Membership Regulations), the Department may appoint a person to fill the vacancy.

(2) The terms of appointment under sub-paragraph (1) must comply with the Membership Regulations, but otherwise are to be determined by the Department.

(3) A person who has ceased to be a member of a Group is eligible for re-appointment.

Commencement Information

I534 Sch. 2 para. 4 not in operation at Royal Assent, see **s. 8(1)(c)**

I535 Sch. 2 para. 4 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(c)**

5. Paragraphs 3 and 4 are subject to regulations 3(4) to (9) and 4 to 6 of the Membership Regulations (cessation of membership in certain circumstances, disqualification, resignation and removal).

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

Commencement Information

I536 Sch. 2 para. 5 not in operation at Royal Assent, see [s. 8\(1\)\(c\)](#)

I537 Sch. 2 para. 5 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(c\)](#)

Other provision about the Groups as continued

6. The Department may pay to members of a Local Commissioning Group who are not employees or officers of the Department or the Regional Business Services Organisation such remuneration and allowances as the Department may determine.

Commencement Information

I538 Sch. 2 para. 6 not in operation at Royal Assent, see [s. 8\(1\)\(c\)](#)

I539 Sch. 2 para. 6 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(c\)](#)

7. In the 2009 Act—

- (a) section 2(3)(h) (duty of Department to monitor and hold to account) applies in relation to Local Commissioning Groups;
- (b) the duty in section 5 (preparation of framework document) applies as if a Local Commissioning Group were a health and social care body;
- (c) section 6 (power of Department to give directions) applies in relation to Local Commissioning Groups;
- (d) a Local Commissioning Group is a relevant body for the purposes of section 15 (RBSO support services);
- (e) sections 17 to 19 (Patient and Client Council and public involvement) apply to Local Commissioning Groups.

Commencement Information

I540 Sch. 2 para. 7 not in operation at Royal Assent, see [s. 8\(1\)\(c\)](#)

I541 Sch. 2 para. 7 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(c\)](#)

8.—(1) The Department may give guidance to a Local Commissioning Group as to the carrying out by the Group of any of its functions.

(2) It is the duty of a Local Commissioning Group to have regard to any guidance given to it under sub-paragraph (1).

(3) Section 29(3) of the 2009 Act applies to guidance given under sub-paragraph (1).

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

Commencement Information

I542 Sch. 2 para. 8 not in operation at Royal Assent, see [s. 8\(1\)\(c\)](#)

I543 Sch. 2 para. 8 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(c\)](#)

9. References in the following provisions to a health and social care body are to be treated as including a Local Commissioning Group—

- (a) Article 67 of the 1972 Order (duty of various bodies to co-operate with one another);
- (b) section 3(8) of the Health and Social Care (Control of Data Processing) Act (Northern Ireland) 2016 (code of practice on processing of information);
- (c) sections 14(2)(a) and 15(1) of the Public Services Ombudsman Act (Northern Ireland) 2016 (matters which the Ombudsman may investigate).

Commencement Information

I544 Sch. 2 para. 9 not in operation at Royal Assent, see [s. 8\(1\)\(c\)](#)

I545 Sch. 2 para. 9 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(c\)](#)

Continuity

10.—(1) Any document made or other thing done by the Regional Board in relation to the Local Commissioning Groups, if in effect immediately before the dissolution of the Board, continues to have effect to the same extent and subject to the same provisions.

(2) Sub-paragraph (1)—

- (a) does not apply if the context requires otherwise, and
- (b) is subject to any power conferred on the Department by paragraphs 1 to 9 to make other provision.

Commencement Information

I546 Sch. 2 para. 10 not in operation at Royal Assent, see [s. 8\(1\)\(c\)](#)

I547 Sch. 2 para. 10 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(c\)](#)

Power of Department to dissolve the continued Groups

11.—(1) The following provisions cease to have effect on such day as the Department may by regulations appoint—

- (a) section 9(2), (3)(a), (4), (5) and (6)(a) and (c) of the 2009 Act;

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

- (b) paragraphs 8 to 11(1) of Schedule 1 to the 2009 Act, so far as those paragraphs apply to, or relate to, the Local Commissioning Groups and their members;
- (c) section 3 and this Schedule;
- (d) the Local Commissioning Groups (Number, Area and Functions) Regulations (Northern Ireland) 2009;
- (e) the Membership Regulations.

(2) Accordingly, on the day appointed under sub-paragraph (1), the Local Commissioning Groups are dissolved.

(3) The Department may not make regulations under sub-paragraph (1) unless the Department makes, or has made, regulations under section 15B(1) of the 2009 Act, as inserted by section 4(1) of this Act (establishment of local area bodies).

(4) Regulations under sub-paragraph (1) are subject to negative resolution.

(5) But sub-paragraph (4) does not apply if a draft of the regulations (whether alone or with other provision) has been laid before, and approved by a resolution of, the Assembly.

Commencement Information

I548 Sch. 2 para. 11 not in operation at Royal Assent, see [s. 8\(1\)\(c\)](#)

I549 Sch. 2 para. 11 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(c\)](#)

SCHEDULE 3

Section 5.

Transfer of assets, etc

Transfer of assets and liabilities

- 1.—(1) A scheme may designate the assets or liabilities to be transferred—
- (a) by specifying them or describing them in particular;
 - (b) by identifying them generally by reference to a specified part of the Regional Board’s undertaking, or their connection with the exercise of specified functions of the Board; or
 - (c) in any other manner appearing to the Department to be appropriate in relation to the assets or liabilities in question.
- (2) A scheme may provide for the transfer of—
- (a) assets and liabilities which would not otherwise be capable of being transferred;

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

- (b) assets and liabilities arising in the period after the making of the scheme and before the transfer date;

and accordingly, a scheme has effect in relation to the assets or liabilities to which it applies in spite of any provision or rule of law which would otherwise prevent or restrict the transfer of those assets or liabilities.

(3) A scheme may contain supplementary, incidental, transitional and consequential provisions.

(4) A certificate issued by the Department that—

- (a) any assets or liabilities specified in the certificate have vested in a person mentioned in section 5(2) by virtue of a scheme;
- (b) any assets or liabilities specified in the certificate have not so vested in such a person,

is conclusive evidence for all purposes of that fact.

(5) In this Schedule—

“scheme” means a scheme under section 5;

“transferee”, in relation to any assets or liabilities transferred by a scheme, means the person to whom those assets or liabilities are transferred.

Commencement Information

I550 Sch. 3 para. 1 in operation at Royal Assent, see [s. 8\(2\)](#)

Transfer of employed staff

2.—(1) This paragraph applies if rights and liabilities under a contract of employment are transferred by virtue of a scheme.

(2) The Transfer of Undertakings (Protection of Employment) Regulations 2006 ([S.I. 2006/246](#)) apply to the transfer whether or not the transfer would, apart from this paragraph, be a relevant transfer for the purposes of the Regulations.

(3) The scheme must—

- (a) in relation to each transferee, identify the transferring employees (whether by name or otherwise);
- (b) include provision securing pension protection for such employees;
- (c) include provision for procedures designed to resolve any grievances of such employees arising in relation to matters dealt with by the scheme; and
- (d) include provision for the payment of compensation by the Department to any such employee who suffers loss or detriment in consequence of the scheme.

(4) Before making the scheme the Department must consult—

Changes to legislation: Health and Social Care Act (Northern Ireland) 2022 is up to date with all changes known to be in force on or before 14 March 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

- (a) in the case of a scheme which identifies transferring employees by name, those employees; and
 - (b) in the case of a scheme which identifies transferring employees in any other way, such persons as appear to the Department to be representative of transferring employees.
- (5) For the purposes of this paragraph—
- (a) “pension protection” is secured for a transferring employee if after the change of employer effected by the scheme the employee has, as an employee of the transferee, rights to acquire pension benefits and those rights are the same as or (taken as a whole) no less favourable than those that the transferring employee had as an employee of the Regional Board;
 - (b) “transferring employee” means an employee whose contract of employment becomes, by virtue of sub-paragraph (2), a contract of employment with a transferee; and
 - (c) employment in the Northern Ireland civil service for the purposes of the Department is to be treated as employment by the Department under a contract of employment (and the terms of that employment are to be regarded as constituting the terms of that contract).
- (6) Procedures under sub-paragraph (3)(c) must involve consideration of grievances by a person other than—
- (a) a member, or member of staff, of the Regional Board or a transferee; or
 - (b) a member of staff of the Department.

Commencement Information

I551 Sch. 3 para. 2 in operation at Royal Assent, see [s. 8\(2\)](#)

Continuity

3. A transfer by virtue of a scheme does not affect the validity of anything done by, or in relation to, the Regional Board before the transfer date.

Commencement Information

I552 Sch. 3 para. 3 in operation at Royal Assent, see [s. 8\(2\)](#)

- 4.** Anything which—
- (a) before the transfer date was done by or in relation to the Regional Board for the purposes of or otherwise in connection with anything transferred by virtue of a scheme, and
 - (b) is in effect immediately before the transfer date,

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continues to have effect to the same extent and subject to the same provisions as if it had been done by, or in relation to, the transferee.

Commencement Information

I553 Sch. 3 para. 4 in operation at Royal Assent, see [s. 8\(2\)](#)

5. Anything (including any legal proceedings) which—
- (a) relates to anything transferred by virtue of a scheme, and
 - (b) is in the process of being done by or in relation to the Regional Board immediately before the transfer date,

may be continued by or in relation to the transferee.

Commencement Information

I554 Sch. 3 para. 5 in operation at Royal Assent, see [s. 8\(2\)](#)

- 6.—(1) In any statutory provision or statutory document—
- (a) which relates to anything transferred by virtue of the scheme, and
 - (b) which is in effect immediately before the transfer date,

any reference to the Regional Board is to be construed, in relation to any time after the transfer date, as or as including a reference to the transferee.

- (2) Sub-paragraph (1) does not apply—
- (a) to a reference if specific provision for that reference is made by or under this Act; or
 - (b) if the context requires otherwise.

Commencement Information

I555 Sch. 3 para. 6 in operation at Royal Assent, see [s. 8\(2\)](#)

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SCHEDULE 4

Section 6.

Transitional provision

PART 1

Accounts and reports of the Regional Board

1.—(1) The Department must make arrangements for—

- (a) a statement of accounts; and
- (b) a report,

to be prepared in relation to the Regional Board for the relevant period.

(2) The statement of accounts and report may—

- (a) be in such form, and
- (b) contain such information,

as the Department consider appropriate.

(3) The Department must, within such time after the end of the relevant period as it considers appropriate, send a copy of the statement of accounts to the Comptroller and Auditor General.

(4) In this paragraph “the relevant period” means the period—

- (a) beginning on the 1st April 2021; and
- (b) ending immediately before the date on which the dissolution of the Regional Board by section 1 comes into operation.

(5) The Comptroller and Auditor General must—

- (a) examine and report on any copy of the statement of accounts received under sub-paragraph (3); and
- (b) send a copy of the report to the Department.

(6) The Department must lay before the Assembly—

- (a) a copy of the statement of accounts;
- (b) a copy of the Comptroller and Auditor General’s report;
- (c) a copy of the report mentioned in sub-paragraph (1)(b).

(7) In this paragraph “the Comptroller and Auditor General” means the Comptroller and Auditor General for Northern Ireland.

Commencement Information

I556 Sch. 4 para. 1 in operation at Royal Assent, see [s. 8\(2\)](#)

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PART 2

Other transitional provision

General provision

2.—(1) In any statutory provision or statutory document, any reference to the Regional Board, in relation to any time after the dissolution date, is to be read as a reference to the Department.

(2) Anything which was done before the dissolution date by or in relation to the Regional Board, if in effect immediately before that day, is to continue to have effect to the same extent and subject to the same provisions as if it had been done by, or in relation to the Department.

(3) Anything (including any legal proceedings) in the process of being done by or in relation to the Regional Board immediately before the dissolution date may be continued by or in relation to the Department.

(4) Sub-paragraphs (1) to (3) do not apply—

(a) to a reference, or thing done, if specific provision for that reference, or thing, is made by or under this Act; or

(b) if the context requires otherwise.

(5) Nothing in this Act or regulations under it affects the validity of anything done by, or in relation to, the Regional Board before the dissolution date.

(6) In this paragraph “the dissolution date” means the date on which the dissolution of the Regional Board by section 1 comes into operation.

Commencement Information

I557 Sch. 4 para. 2 not in operation at Royal Assent, see **s. 8(1)(d)**

I558 Sch. 4 para. 2 in operation at 1.4.2022 by **S.R. 2022/102, art. 2(d)**

Specific provision

3.—(1) This paragraph applies to any authorisation under Article 3(1) of the 1994 Order that is in effect on the day on which the repeal of that Article comes into operation and provides for an HSC trust to exercise any function other than a social care and children function (within the meaning of Article 10A of the 1991 Order).

(2) The authorisation has effect after that day, so far as it relates to that function, as if it were a delegation direction under Article 10B(1) of the 1991 Order.

(3) Accordingly, so far as is necessary for the purposes of sub-paragraph (2)—

(a) any provision made by such an authorisation in relation to the Regional Board has effect in relation to the Department;

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(b) any reference to the Regional Board is to be read as, or as including, a reference to the Department;

(c) (in accordance with paragraph (b)) any reference to a function exercised on behalf of the Regional Board is to be read as, or as including, a reference to a function exercised on behalf of the Department.

(4) Anything which before that day was done by or in relation to the Regional Board in relation to any function exercised on its behalf by an HSC trust by virtue of such an authorisation, if in effect immediately before that day, is to continue to have effect to the same extent and subject to the same provisions as if it had been done by, or in relation to, the Department.

(5) Anything (including any legal proceedings) in the process of being done by or in relation to the Regional Board immediately before that day may, so far as it relates to any function exercised on behalf of the Board by an HSC trust by virtue of such an authorisation, be continued by or in relation to the Department.

(6) Any reference in any statutory provision or statutory document to an authorisation under Article 3(1) of the 1994 Order is to be read as, or as including, a reference to a delegation direction under Article 10B(1) of the 1991 Order.

Commencement Information

I559 Sch. 4 para. 3 not in operation at Royal Assent, see **s. 8(1)(d)**

I560 Sch. 4 para. 3 in operation at 1.4.2022 by **S.R. 2022/102, art. 2(d)**

4.—(1) This paragraph applies to any direction that was given under Article 57C(1) of the 1972 Order and is in force on the date on which paragraph 25 of Schedule 1 comes into operation.

(2) Any direction to which this paragraph applies is to continue in force after that date (unless revoked) as if it were a scheme made under that Article as amended by paragraph 25 of Schedule 1.

Commencement Information

I561 Sch. 4 para. 4 not in operation at Royal Assent, see **s. 8(1)(d)**

I562 Sch. 4 para. 4 in operation at 1.4.2022 by **S.R. 2022/102, art. 2(d)**

5.—(1) This paragraph applies to any scheme that was made under an order under Schedule 9 to the 1972 Order and is in force on the date on which paragraph 51 of Schedule 1 comes into operation.

(2) Any scheme to which this paragraph applies is to continue in force after that date as if it were a scheme provided for in regulations made by the Department under paragraph 1A of Schedule 9 to the 1972 Order.

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(3) Nothing in sub-paragraph (2) prevents the Department from revoking such a scheme by regulations made under paragraph 1A of Schedule 9 to the 1972 Order.

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Commencement Information

I563 Sch. 4 para. 5 not in operation at Royal Assent, see [s. 8\(1\)\(d\)](#)

I564 Sch. 4 para. 5 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(d\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 1 para. 102-120 repealed by [2022 c. 18 \(N.I.\) Sch. 3 para. 80\(2\)](#)[Sch. 5](#)
- Sch. 1 para. 193(2)(b) repealed by [2022 c. 18 \(N.I.\) Sch. 3 para. 80\(3\)](#)[Sch. 5](#)
- Sch. 1 para. 193(3)(b) repealed by [2022 c. 18 \(N.I.\) Sch. 3 para. 80\(3\)](#)[Sch. 5](#)
- Sch. 1 para. 195(2) repealed by [2022 c. 18 \(N.I.\) Sch. 3 para. 80\(4\)](#)[Sch. 5](#)