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STATUTORY INSTRUMENTS

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1972 No. 1265 (N.I. 14)

NORTHERN IRELAND

The Health and Personal Social  
Services (Northern Ireland)  
Order 1972

*Laid before Parliament in draft*

*Made - - - - 14th August 1972*

*Coming into operation on 1st April 1973 or earlier  
days to be appointed under Article 1*



LONDON

HER MAJESTY'S STATIONERY OFFICE: 1972



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At the Court at Balmoral, the 14th day of August 1972

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 1 (3) of the Northern Ireland (Temporary Provisions) Act 1972 (a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

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(a) 1972 c. 22.



## PART I

### INTRODUCTORY

#### *Title and commencement*

1. This Order may be cited as the Health and Personal Social Services (Northern Ireland) Order 1972 and shall come into operation on 1st April 1973 or on such earlier day or days as the Minister may by order appoint.

#### *Interpretation*

2.—(1) The Interpretation Act (Northern Ireland) 1954 (a) shall apply to Article 1 and the following provisions of this Order as it applies to an Act of the Parliament of Northern Ireland.

(2) In this Order—

“the Agency” has the meaning assigned to it by Article 26 (1);

“child” means a person who is not over compulsory school age;

“common lodging-house” means a house (other than a house providing residential or other accommodation under Article 15) provided for the purpose of accommodating by night poor persons, not being members of the same family, and includes, where part only of a house is so used, the part so used;

“compulsory school age” has the same meaning as in the Education and Libraries (Northern Ireland) Order 1972 (b);

“the Council” has the meaning assigned to it by Article 22 (1);

“dental practitioner” means a person registered in the dentists’ register under the Dentists Act 1957 (c);

“directions”, except in Articles 9 and 11 and Schedule 11, means directions in writing and—

(a) in respect of functions of the Ministry, means directions given by the Ministry;

(b) in respect of functions of the Ministry of Home Affairs, means directions given jointly by the Ministry and that Ministry;

“disability” includes mental disorder as well as physical disability;

“dispensing optician” means a person who is registered in the register kept under section 2 of the Opticians Act 1958 (d) of dispensing opticians or a body corporate enrolled in the list kept under section 4 of that Act of such bodies carrying on business as dispensing opticians;

“Education and Library Board” has the same meaning as in the Education and Libraries (Northern Ireland) Order 1972;

“endowment”, in relation to a hospital which was immediately before 5th July 1948 a voluntary hospital or a local authority hospital, means property held immediately before 1st August 1951 or, in the case of the Mater Infirmorum Hospital, 1st January 1972, by the governing body of the hospital or by trustees solely for the purposes of that hospital or, in the case of a local authority hospital, by the local authority or other body solely for the purposes of that hospital, being property of the following descriptions—

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(a) 1954 c. 33 (N.I.). (b) S.I. 1972 1263 (N.I. 12). (c) 1957 c. 28. (d) 1958 c. 32.

- (a) interests in or attaching to land (other than such premises as were transferred to and vested in the Northern Ireland Hospitals Authority under section 23 (1) or (5) of the Health Services Act (Northern Ireland) 1948 (a)), and in equipment, furniture or other movable property used on, or in connection with, that land;
- (b) shares, stocks, bonds, debentures and other securities and any other personal property held by way of an investment;
- (c) money, including any credit in a banking account;
- (d) rights under any bill of exchange, promissory note, bond or obligation for the payment of money;

but so that "endowment" does not include any property in respect of which trustees are required or authorised under Article 83 to make payments to a Health and Social Services Board;

"equipment" includes any machinery, apparatus or appliance, whether fixed or not, and any vehicle;

"general dental services" has the meaning assigned to it by Article 61 (1);

"general medical services" has the meaning assigned to it by Article 56 (1);

"general ophthalmic services" has the meaning assigned to it by Article 62 (1);

"governing body", in relation to any voluntary hospital, includes any body, whether corporate or unincorporate, having the control and management of the hospital or any part thereof, or otherwise carrying on the business of the hospital or any part thereof;

"government department" means a department of the Government of Northern Ireland;

"grammar school" has the same meaning as in the Education and Libraries (Northern Ireland) Order 1972;

"grant-aided", in relation to a school, has the same meaning as in the Education and Libraries (Northern Ireland) Order 1972;

"health authority" means a health authority constituted under the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946 (b);

"health services" means any service or services designed to secure any of the objects of Article 4 (a) and includes any services which it is the duty of the Ministry to provide or secure under the Mental Health Act;

"home for persons in need" means an establishment the sole or main object of which is, or is held out to be, the provision of residential accommodation, whether for reward or not, for persons in need but does not include—

- (a) a private house in which the owner or occupier thereof provides accommodation as aforesaid for only a relative of his or of his spouse;  
or
- (b) any hospital vested in the Ministry; or
- (c) any premises required to be registered under any enactment relating to mental health; or
- (d) any nursing home as defined in section 10 of the Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971 (c); or

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(a) 1948 c. 3 (N.I.).

(b) 1946 c. 19 (N.I.).

(c) 1971 c. 32 (N.I.).

- (e) any voluntary home for children as defined in Part VIII of the Children and Young Persons Act (Northern Ireland) 1968 (a); or
- (f) any other premises, being premises managed or controlled by a government department or public body constituted by special Act of Parliament or incorporated by Royal Charter;
- “hospital” means any institution for the reception and treatment of persons suffering from illness, any maternity home, any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, any institution for providing dental treatment and maintained in connection with a dental school, and clinics, dispensaries and out-patient departments maintained in connection with any such institution or home;
- “illness” includes mental disorder and any injury or disability requiring medical or dental treatment or nursing;
- “independent school” has the same meaning as in the Education and Libraries (Northern Ireland) Order 1972;
- “local authority” means the council of a county or county borough or a new town commission exercising the functions of the council of a county borough;
- “management committees” means management committees within the meaning of the Health Services Act (Northern Ireland) 1971 (b) and the Mental Health Act;
- “managers”, where used in relation to a voluntary school, has the same meaning as in the Education and Libraries (Northern Ireland) Order 1972;
- “medical” includes surgical;
- “medical practitioner” means a registered person within the meaning of the Medical Acts 1956 to 1969;
- “mental disorder” has the same meaning as in the Mental Health Act;
- “Mental Health Act” means the Mental Health Act (Northern Ireland) 1961 (c);
- “the Minister” means the Minister of Health and Social Services;
- “the Ministry” means the Ministry of Health and Social Services;
- “modify” means making additions, omissions, amendments, adaptations, applications, extensions, restrictions and substitutions;
- “notice” means notice in writing;
- “officer” includes servant;
- “ophthalmic optician” means a person registered in either of the registers kept under section 2 of the Opticians Act 1958 of ophthalmic opticians or a body corporate enrolled in the list kept under section 4 of that Act of such bodies carrying on business as ophthalmic opticians;
- “order” means—
- (a) in respect of functions of the Ministry, an order made by the Ministry;
- (b) in respect of functions of the Ministry of Home Affairs, an order made jointly by the Ministry and that Ministry;
- “owner” means the person for the time being receiving the rack rent of the land in connection with which the word is used, whether on his own

(a) 1968 c. 34 (N.I.).

(b) 1971 c. 1 (N.I.).

(c) 1961 c. 15 (N.I.).

- account or as agent or trustee for any other person, or who would so receive the same if the land were let at a rack rent;
- “parent” in relation to any child or young person includes the guardian and every person who has the actual custody of the child or young person;
- “patient” includes an expectant or nursing mother and a lying-in woman;
- “person in need” means a person who—
- (a) is in need of care and attention arising out of infirmity or age; or
  - (b) suffers from illness or is substantially handicapped by any deformity or disability; or
  - (c) has been rendered homeless and is in need of temporary accommodation; or
  - (d) being a person who has asked for assistance, is, in the opinion of the Ministry, a person to whom any of the personal social services provided by it may be made available;
- “personal social services” means any service or services designed to secure any of the objects of Article 4 (b) including the objects of Article 72;
- “pharmacist” has the same meaning as in the Medicines Act 1968 (a);
- “pharmaceutical services” has the meaning assigned to it by Article 63 (1);
- “prescribed” means prescribed by regulations;
- “public body” means a body established by or under any transferred provision;
- “regulations” means—
- (a) in respect of functions of the Ministry, regulations made by the Ministry;
  - (b) in respect of functions of the Ministry of Home Affairs, regulations made jointly by the Ministry and that Ministry;
- “relative” means a spouse or a lineal ancestor or lineal descendant, or lineal descendant of an ancestor not more remote than great-grandfather or great-grandmother;
- “the Staffs Council” has the meaning assigned to it by Article 28 (1);
- “statutory instrument” has the meaning assigned to it by section 1 (d) of the Interpretation Act (Northern Ireland) 1954;
- “superannuation benefits” means annual superannuation allowances, gratuities and periodical payments payable on retirement, death or incapacity, and similar benefits;
- “trade dispute” has the same meaning as in section 21 of the National Insurance Act (Northern Ireland) 1966 (b);
- “transferred provision” has the meaning assigned to it by section 1 (g) of the Interpretation Act (Northern Ireland) 1954;
- “the Tribunal” means the Tribunal mentioned in Schedule 11;
- “voluntary organisation” means any association carrying on or proposing to carry on any activities otherwise than for the purpose of gain by the association or by individual members thereof;
- “waters forming part of a port” includes all harbours, docks, basins, wharves, bays, creeks, channels, rivers, weirs and streams which abut on or flow into those waters;
- “welfare authority” means a welfare authority constituted under the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946.

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(a) 1968 c. 67.      (b) 1966 c. 6 (N.I.).

(3) For the purposes of this Order—

- (a) power to provide any thing includes power to acquire, establish, lay out, erect or construct it and to provide buildings, works, equipment, facilities, services and amenities for or in connection with it and any other thing incidental or ancillary to it and to maintain it;
- (b) power to maintain any thing includes power to operate, manage, repair, extend, alter, improve, re-erect and renew it or any such buildings, works, equipment, facility, service, amenity or other thing as aforesaid.

(4) References in this Order to the purposes of a hospital shall be construed as referring both to the general purposes of the hospital and to any specific purpose of the hospital.

*Transitional provision*

3. So long as section 1 of the Northern Ireland (Temporary Provisions) Act 1972 has effect—

- (a) subsection (1) (a) of that section applies to all functions which are conferred by this Order on the Governor or the Minister;
- (b) paragraph 4 (5) of the Schedule to that Act applies to any order which under this Order is subject to affirmative resolution or affirmative resolution of the Commons or which is not authorised by this Order to be made unless and until a draft of it has been laid before Parliament and approved by a resolution of each House of Parliament.

## PART II

### MAIN FUNCTIONS OF THE MINISTRY

*General duty of Ministry*

4. It shall be the duty of the Ministry—

- (a) to provide or secure the provision of integrated health services in Northern Ireland designed to promote the physical and mental health of the people of Northern Ireland through the prevention, diagnosis and treatment of illness;
- (b) to provide or secure the provision of personal social services in Northern Ireland designed to promote the social welfare of the people of Northern Ireland;

and the Ministry shall so discharge its duty as to secure the effective co-ordination of health and personal social services.

*Provision of accommodation and medical services, etc.*

5.—(1) The Ministry shall provide throughout Northern Ireland, to such extent as it considers necessary, accommodation and services of the following descriptions—

- (a) hospital accommodation, including accommodation within the meaning of section 80 of the Mental Health Act;
- (b) premises, other than hospitals, at which facilities are available for all or any of the services provided under this Order;
- (c) medical, nursing and other services whether in such accommodation or premises, in the home of the patient or elsewhere.

(2) In addition to its functions under paragraph (1), the Ministry may provide such other accommodation and services not otherwise specifically

provided for by this Order as it considers conducive to the efficient and sympathetic working of any hospital or service under its control, and, in relation to any person and notwithstanding anything contained in Article 4 (a), to provide or arrange for the provision of such accommodation or services, and, in connection therewith, to incur such expenditure as is necessary or expedient on medical grounds.

(3) Where accommodation or premises provided under this Article afford facilities for the provision of general medical, dental or ophthalmic services or of pharmaceutical services, they shall be made available for those services on such terms and conditions as the Ministry may determine.

(4) The Ministry may permit any person to whom this paragraph applies to use for the purposes of private practice, on such terms and conditions as the Ministry may determine, the facilities available at accommodation or premises provided under this Article.

(5) The persons to whom paragraph (4) applies, being persons who provide services under this Order, are as follows:—

- (a) medical practitioners;
- (b) dental practitioners;
- (c) ophthalmic and dispensing opticians;
- (d) pharmacists; and
- (e) such other persons as the Ministry may determine.

#### *Provision of general health services*

6. The Ministry shall secure the provision of general medical, dental and ophthalmic services and of pharmaceutical services in accordance with Part VI.

#### *Prevention of illness, care and after-care*

7.—(1) The Ministry shall make arrangements, to such extent as it considers necessary, for the purposes of the prevention of illness, the care of persons suffering from illness or the after-care of such persons.

(2) The Ministry may recover from persons availing themselves of any service provided by the Ministry under this Article, otherwise than in a hospital, such charges (if any) in respect of the service as the Ministry considers appropriate.

#### *Care of mothers and young children*

8.—(1) The Ministry shall make arrangements, to such extent as it considers necessary, for the care, including in particular the medical and dental care, of expectant and nursing mothers, and of young children.

(2) The Ministry may recover from persons availing themselves of any service provided by the Ministry under this Article, otherwise than in a hospital, such charges (if any) in respect of the service or articles provided in connection with the service as the Ministry considers appropriate.

#### *Medical and dental inspection, etc., of school children and young persons*

9.—(1) Subject to paragraph (4), the Ministry shall provide for the medical and dental inspection, at appropriate intervals, and for the medical and dental supervision of persons—

- (a) in full-time attendance at any grant-aided school or for whom special arrangements have been made under Article 6 (2) of the Education and Libraries (Northern Ireland) Order 1972;
- (b) who have not attained the upper limit of compulsory school age and have been ascertained as persons requiring special care within the meaning of the Mental Health Act.

(2) For the purpose of securing the proper medical and dental inspection of persons such as are mentioned in paragraph (1) (a) the Ministry may require the parents of any such persons to submit the persons for medical or dental inspection in accordance with arrangements made by the Ministry, and any parent who fails without reasonable excuse to comply with any such requirement shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £10.

(3) Subject to paragraph (4), the Ministry shall make such arrangements as are necessary for securing that there are available for persons such as are mentioned in paragraph (1) comprehensive facilities for medical and dental treatment.

(4) Paragraphs (1) and (3) shall not apply in the case of persons in attendance at any voluntary grammar school the managers of which have, by means of a scheme framed by them and approved by the Ministry, made provision for the medical and dental inspection, supervision and treatment of persons in attendance at that school.

(5) The managers of a voluntary grammar school to which paragraph (4) applies shall keep such records, and shall make such returns, as the Ministry may prescribe or direct.

(6) In any case where the managers of a voluntary grammar school make provision, by means of a scheme approved by the Ministry, for the medical and dental inspection, supervision and treatment of persons in attendance at the school, then, in respect of the medical and dental inspection, supervision and treatment of each person the Ministry shall pay to the managers such sum as it may determine.

(7) The Ministry may, with the consent of the proprietor of any independent school, and on such financial and other terms (if any) as may be agreed between the Ministry and the proprietor of the school, make arrangements for the provision of medical and dental inspection, supervision and treatment of persons in attendance at the school; so however that any such arrangements shall be such as to secure, so far as is practicable, that the expense incurred by the Ministry in connection with the provision under the arrangements of any service shall not exceed the expense which would have been incurred by it in the provision thereof if the persons had been persons in attendance at a grant-aided school.

(8) In this Article—

“dental inspection” and “dental supervision” mean, respectively, inspection and supervision by a dental practitioner;

“dental treatment” includes prevention and treatment of dental disease by or (so far as permitted by law) under the direction of a dental practitioner and the supply of appliances on the recommendation of such practitioner, but does not, in relation to any person other than a person for whom special arrangements have been made under Article 6(2) of the said Order of 1972 or to whom paragraph (1)(b) of this Article applies, include treatment in that person’s home;

“medical inspection” and “medical supervision” mean, respectively, inspection and supervision by or under the direction of a medical practitioner;

“medical treatment” includes prevention and treatment of disease by a medical practitioner, and the supply of appliances on the recommendation of such practitioner, but does not, in relation to any person other than a person for whom special arrangements have been made under Article 6 (2) of the said Order of 1972 or to whom paragraph (1) (b) of this Article applies, include treatment in that person’s home.

#### *Ancillary services*

**10.—(1)** Without prejudice to the generality of Article 5 the Ministry shall make arrangements, to such extent as it considers necessary, for—

- (a) providing or securing the provision of ambulances and other means of transport for the conveyance of persons suffering from illness, expectant or nursing mothers or of other persons for whom such transport is reasonably required in order to avail themselves of any service under this Order;
- (b) providing or securing the provision of a laboratory service for the purpose of the prevention or cure or restriction of the incidence of disease, or the promotion of the health of the people;
- (c) providing or securing the provision of a service of diagnostic radiology; and
- (d) making available to medical practitioners and other persons who require them supplies of human blood for the purpose of carrying out blood transfusion or supplies of any other substances or preparations not readily obtainable.

(2) The Ministry shall determine the terms, including terms as to the payment of charges, and conditions on which the several services referred to in paragraph (1) shall be provided.

#### *Vaccination and immunisation*

**11.—(1)** The Ministry may make arrangements with medical practitioners for the vaccination or immunisation of persons against any disease, either by medical practitioners or by persons acting under their direction and control.

(2) In making arrangements under this Article, the Ministry shall, in so far as is reasonably practicable, give every medical practitioner providing general medical services under Part VI an opportunity to provide services under this Article.

(3) The Ministry may, either directly or by entering into arrangements with such persons as it thinks fit, supply free of charge to medical practitioners providing services under this Article vaccines, sera or other substances for vaccinating or immunising persons against any disease.

#### *Family planning*

**12.—(1)** The Ministry shall make arrangements, to such extent as it considers necessary, for the giving of advice on contraception, the medical examination of persons seeking advice on contraception, the treatment of such persons and the supply of contraceptive substances or appliances.

(2) The Ministry may recover from persons availing themselves of any service under this Article such charges (if any) as the Ministry considers appropriate.



*Educational and research facilities*

13. The Ministry shall make available such facilities, in any premises provided by it under this Order, as appear to the Ministry to be reasonably required for under-graduate and post-graduate clinical teaching and research.

*Health education*

14. The Ministry may disseminate, by whatever means it thinks fit, information relating to the promotion and maintenance of health and the prevention of illness.

*General social welfare*

15.—(1) In the exercise of its functions under Article 4 (b) the Ministry shall make available advice, guidance and assistance, to such extent as it considers necessary, and for that purpose shall make such arrangements and provide or secure the provision of such facilities (including the provision or arranging for the provision of residential or other accommodation, home help and laundry facilities) as it considers suitable and adequate.

(2) Assistance under paragraph (1) may be given to, or in respect of, a person in need requiring assistance in kind or, in exceptional circumstances constituting an emergency, in cash; so however that before giving assistance to, or in respect of, a person in cash the Ministry shall have regard to his eligibility for receiving assistance from any other statutory body, and, if he is so eligible, to the availability to him of that assistance in his time of need.

(3) Where under paragraph (1) the Ministry makes arrangements or provides or secures the provision of facilities for the engagement of persons in need (whether under a contract of service or otherwise) in suitable work, the Ministry may assist such persons in disposing of the produce of their work.

(4) Subject to Article 99, the Ministry may recover in respect of any assistance, help or facilities under this Article such charges (if any) as the Ministry considers appropriate.

PART III

HEALTH AND SOCIAL SERVICES BOARDS, ETC.

*Establishment of Health and Social Services Boards*

16.—(1) The Ministry shall by order establish bodies to be called Health and Social Services Boards, for such areas as it may by order determine.

(2) An order under paragraph (1) determining the area of any Health and Social Services Board may include in the area any waters forming part of a port established for the purposes of the enactments relating to the customs of the United Kingdom and abutting on that area.

(3) The constitution of a Health and Social Services Board shall be as provided in that behalf in Part I of Schedule 1 and the supplementary provisions contained in Part II of that Schedule shall have effect with respect to a Health and Social Services Board.

*Functions of Health and Social Services Boards*

17.—(1) The Health and Social Services Boards shall—

(a) exercise on behalf of the Ministry such functions (including functions imposed under an order of any court) with respect to the administration of such health and personal social services as the Ministry may direct;

- (b) make arrangements, on behalf of the Ministry, for the provision of services under Part VI;
  - (c) exercise on behalf of the Ministry of Home Affairs such functions (including functions imposed under an order of any court) with respect to the administration of such personal social services under the Adoption Act (Northern Ireland) 1967 (a) and the Children and Young Persons Act (Northern Ireland) 1968 as that Ministry may direct;
- and shall do so in accordance with regulations and directions.

(2) Where a function is conferred on a Health and Social Services Board by any other transferred provision, that function shall be deemed to be a function which the Ministry has directed the Health and Social Services Board to exercise under paragraph (1).

#### *Schemes*

**18.—(1)** A Health and Social Services Board shall, within such period as the Ministry may specify, submit to the Ministry a scheme for the exercise of its functions.

(2) A scheme under paragraph (1) shall be made in accordance with regulations and directions.

(3) The Ministry may, by order, approve a scheme submitted to it under paragraph (1), with or without modifications, and the Health and Social Services Board shall give effect to any scheme so approved.

(4) A Health and Social Services Board may at any time, and if directed by the Ministry shall within such period as the Ministry may specify, submit a new scheme under this Article and paragraph (3) shall apply to any such new scheme.

(5) If a Health and Social Services Board fails to submit any scheme which it is required under this Article to submit within a period specified by the Ministry, the Ministry may make a scheme which shall have effect as if it had been submitted and approved under this Article.

#### *Joint committees*

**19.** Where it appears to the Ministry to be expedient in the interests of efficiency that a joint committee should be established for the areas of two or more Health and Social Services Boards for the purpose of exercising some but not all of their functions, the Ministry may by order—

- (a) constitute such a joint committee;
- (b) provide for the exercise by that committee of such functions as may be specified in the order;
- (c) apply to that committee any provision of this Order, subject to the modifications (if any) specified in the order;
- (d) provide for the winding-up and dissolution of that committee;
- (e) make such other provision in connection with that committee as the Ministry thinks fit.

#### *District Committees*

**20.—(1)** Subject to the provisions of this Article, a Health and Social Services Board shall, within such period as the Ministry may specify, submit to the Ministry a scheme for the establishment of District Committees for its area.

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(a) 1967 c. 35 (N.I.).

(2) The general function of District Committees shall be to represent the interests of the public in the health and personal social services in the districts for which they are established.

(3) The Ministry may approve a scheme submitted to it under paragraph (1), with or without modifications, and the Health and Social Services Board shall give effect to any scheme so approved.

(4) A Health and Social Services Board may at any time, and if directed by the Ministry shall within such period as the Ministry may specify, submit a new scheme under this Article and paragraph (3) shall apply to any such new scheme.

(5) If a Health and Social Services Board fails to submit any scheme which it is required under this Article to submit within a period specified by the Ministry, the Ministry may make a scheme which shall have effect as if it had been submitted and approved under this Article.

(6) A Health and Social Services Board shall consult with District Committees on such occasions and to such an extent as may be prescribed or in accordance with directions.

(7) Regulations may make provision—

- (a) enabling District Committees to consider questions relating to the health and personal social services in their district whether at the request of their Health and Social Services Board or otherwise and to advise that Board thereon;
- (b) enabling District Committees to submit reports to their Health and Social Services Board on the operation of the health and personal social services in their district;
- (c) enabling District Committees to obtain information from their Health and Social Services Board on such subjects and subject to such conditions as may be prescribed;
- (d) enabling members of District Committees to visit establishments administered by their Health and Social Services Board, subject to such conditions as may be prescribed;
- (e) relating to the submission of schemes under paragraph (1), and to the constitution, functions and procedures of District Committees;
- (f) for such other matters in connection with District Committees as the Ministry thinks fit.

#### *University Liaison Committees*

21.—(1) The Ministry may by order establish for the area of a Health and Social Services Board or for the areas of two or more Boards, a University Liaison Committee for the purpose of advising that Board or those Boards on the administration of the health services in the area or areas in relation to the provision of facilities for undergraduate or post-graduate clinical teaching or for research, and for the purpose of advising that Board or those Boards and the university or universities concerned on any matter of common interest to them.

(2) An order under paragraph (1) may—

- (a) constitute such a University Liaison Committee;
- (b) provide for the exercise by that Committee of such functions as may be specified in the order;
- (c) apply to that Committee any provision of this Order, subject to the modifications (if any) specified in the order;

- (d) provide for the winding-up and dissolution of that Committee;
- (e) make such other provision in connection with that Committee as the Ministry thinks fit.

#### PART IV

#### CENTRAL BODIES

##### *The Council*

##### *Northern Ireland Health and Social Services Council*

22.—(1) There shall be established a body to be called the Northern Ireland Health and Social Services Council (in this Order referred to as “the Council”).

(2) The constitution of the Council shall be as provided in that behalf in Schedule 2, and the supplementary provisions contained in that Schedule shall have effect with respect to the Council.

##### *Functions of the Council*

23.—(1) The Council shall advise the Ministry on the exercise of the Ministry’s functions under Article 4 and the Ministry of Home Affairs on the exercise of that Ministry’s functions under Article 72 whether at the request of the Ministry concerned or on the Council’s own initiative.

(2) For the purposes of paragraph (1) the Council shall keep under review the development and co-ordination of the health and personal social services in Northern Ireland.

(3) The Council shall, if directed by the Ministry, make an annual report to the Ministry on the proceedings of the Council and any committee appointed by it.

##### *Advisory committees*

##### *Central advisory committees*

24.—(1) The Minister may appoint a central advisory committee for any profession or professions engaged in the provision of services under this Order or for a particular service provided under this Order, and may, at any time after consultation with that committee, dissolve that committee.

(2) A central advisory committee shall advise the Council, or if in a particular case the Ministry so directs, the Ministry, on the provision of any service with which that committee is concerned.

(3) The Council shall consult with any such central advisory committee on such occasions and to such extent as may be determined by the Ministry, and may ask the committee to undertake, on behalf of the Council, such investigation as the Council thinks fit.

(4) A central advisory committee shall consist of a chairman appointed by the Minister and such other members as the Minister may consider necessary, appointed after consultation with such interests as appear to the Minister to be concerned; and the Minister may at any time appoint an additional member or fill a vacancy created by the death or resignation of a member.

(5) A central advisory committee may appoint sub-committees, whether jointly with another central advisory committee or otherwise, and may appoint to such sub-committees persons who are not members of the central advisory committee or committees concerned.

(6) A central advisory committee may regulate its own quorum and procedure.

*Other advisory committees*

25.—(1) For the purpose of obtaining advice upon any matter arising in connection with the performance of the duty of the Ministry under Article 4, other than a matter in relation to which a central advisory committee has been appointed, the Minister may appoint such other advisory committees as he considers necessary, and may, after any such committee has performed the functions for which it was appointed, or at any other time after consultation with that committee, dissolve that committee.

(2) An advisory committee shall consist of a chairman and such other members as the Minister may consider necessary for the purposes of the committee; and the Minister may at any time appoint an additional member or fill a vacancy created by the death or resignation of a member.

(3) An advisory committee may regulate its own quorum and procedure.

*The Agency*

*Northern Ireland Central Services Agency for the Health and Social Services*

26.—(1) There shall be established a body to be called the Northern Ireland Central Services Agency for the Health and Social Services (in this Order referred to as “the Agency”).

(2) The constitution of the Agency shall be as provided in that behalf in Part I of Schedule 3, and the supplementary provisions contained in Part II of that Schedule shall have effect with respect to the Agency.

*Functions of the Agency*

27.—(1) The Agency shall exercise such of the Ministry’s functions under this Order as the Ministry may direct.

(2) After consultation with the Health and Social Services Boards and any other interests which appear to it to be concerned, the Ministry may, where the Ministry considers it expedient for the efficient discharge of the functions of the Boards, direct that the performance of such functions as the Ministry may determine shall be referred to the Agency and be discharged by it on behalf of any or all of the Boards.

(3) Before 1st April 1973, the Ministry, after consultation with such interests as appear to it to be concerned, may, where the Ministry considers it expedient for the efficient discharge of the functions of the Boards after that date, direct that the performance of such functions as the Ministry may determine shall be referred to the Agency and be discharged by it on behalf of any or all of the Boards.

(4) In carrying out its functions the Agency shall act in accordance with regulations and directions.

*The Staffs Council*

*Northern Ireland Staffs Council for the Health and Social Services*

28.—(1) There shall be established a body to be called the Northern Ireland Staffs Council for the Health and Social Services (in this Order referred to as “the Staffs Council”).

(2) The constitution of the Staffs Council shall be as provided in that behalf in Part I of Schedule 4, and the supplementary provisions contained in Part II of that Schedule shall have effect with respect to the Staffs Council.

*Functions of the Staffs Council*

29.—(1) The Staffs Council shall exercise such of the Ministry's functions under this Order as the Ministry may direct.

(2) After consultation with the Health and Social Services Boards, the Agency and any other interests which appear to it to be concerned, the Ministry may, where the Ministry considers it expedient for the efficient discharge of the functions of the Boards or the Agency, direct that the performance of such functions as the Ministry may determine in relation to training (other than professional training), recruitment, selection and appointment procedures shall be referred to the Staffs Council and be discharged by it on behalf of any or all of the Boards or the Agency.

(3) Before 1st April 1973, the Ministry, after consultation with such interests as appear to it to be concerned, may, where the Ministry considers it expedient for the efficient discharge of the functions of the Boards or the Agency after that date, direct that the performance of such functions as the Ministry may determine in relation to training (other than professional training), recruitment, selection and appointment procedures shall be referred to the Staffs Council and be discharged by it on behalf of any or all of the Boards or the Agency.

(4) In the performance of its functions the Staffs Council shall act in accordance with regulations and directions.

(5) The Ministry may, by order made subject to affirmative resolution, make provision for dissolving the Staffs Council, and such an order may modify or repeal any provision of this Article or Schedule 4.

PART V

OTHER FUNCTIONS OF THE MINISTRY

*Provision of vehicles for persons suffering from physical defect or disability*

30.—(1) The Ministry may provide invalid carriages for persons appearing to it to be suffering from severe physical defect or disability, and, at the request of such a person, may provide for him a vehicle other than an invalid carriage.

(2) The Ministry may, in the case of an invalid carriage or other vehicle provided by it for, or belonging to, any such person as is mentioned in paragraph (1), on such terms and subject to such conditions as it may determine—

- (a) adapt the vehicle for the purpose of making it suitable for the circumstances of that person;
- (b) maintain and repair the vehicle;
- (c) take out insurance policies relating to the vehicle and pay the duty (if any) with which the vehicle is chargeable under the Vehicles (Excise) Act (Northern Ireland) 1972 (a);
- (d) provide a structure for the keeping of the vehicle therein and provide all material and execute all works necessary for the erection of the structure.

(3) The Ministry may, on such terms and subject to such conditions as it may determine, make payments by way of grant towards costs incurred by any

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(a) 1972 c. 10 (N.I.).

such person as is mentioned in paragraph (1) in respect of all or any of the following matters in relation to an invalid carriage or other vehicle provided by the Ministry for, or belonging to, that person—

- (a) the taking of any such action as is referred to in paragraph (2);
- (b) the purchase of fuel for the purposes of the vehicle, so far as the cost of the purchase is attributable to duties of excise payable in respect of the fuel;
- (c) the taking of instruction in the driving of the vehicle.

(4) In this Article, “invalid carriage” means a mechanically propelled vehicle specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and used solely by such a person.

*Accommodation and treatment at hospitals of persons as private resident patients*

31.—(1) If the Ministry is satisfied that it is reasonable to do so, it may, subject to the provisions of this Article, authorise accommodation and services at a hospital vested in it to be made available, to such extent as it may determine, for resident patients who undertake, or in respect of whom an undertaking is given, to pay such charges as the Ministry may, in accordance with the following provisions of this Article, determine, and the Ministry may recover those charges.

(2) The Ministry may allow accommodation and services to which an authorisation under paragraph (1) relates to be made available in connection with the treatment, in pursuance of arrangements made by a medical or dental practitioner serving, whether in an honorary or paid capacity, on the staff of a hospital, of private patients of that practitioner as resident patients.

(3) The Ministry may, for the purpose of determining charges to be paid under paragraph (1), classify the hospitals and may, in the case of each class, determine, in respect of each period of twelve months beginning with the 1st April first falling after the date on which the determination is made, the charges to be paid under paragraph (1) in respect of accommodation and services provided during that period at a hospital falling within that class; and, in determining such charges in respect of a period, the Ministry—

- (a) shall have regard, so far as reasonably practicable, to the total cost (exclusive of costs appearing to it to be properly attributable to capital account) which, by reference to facts known to it at the time of the determination, it is estimated will be incurred during that period in the provision for resident patients of services at hospitals falling within that class; and
- (b) may include in any such charges, in such cases as appear fit, such amounts as appear proper and reasonable to be included by way of contribution to expenditure appearing to it to be properly attributable to capital account.

(4) The Ministry may, under paragraph (3), determine different charges for different accommodation and for different services and in relation to different circumstances.

(5) The Ministry may allow such deduction from the amount of a charge due by virtue of an undertaking given under this Article by, or in respect of, a patient as it thinks proper—

- (a) in respect of treatment given to the patient under paragraph (2); and
- (b) in respect of any period during which the accommodation to which the undertaking relates is temporarily vacated by the patient.

(6) Nothing in this Article shall prevent accommodation from being made available for a patient other than one mentioned in paragraph (1), if the use thereof is needed more urgently for him on medical grounds than for a patient so mentioned and other suitable accommodation is not available.

*Accommodation and treatment at hospitals of persons as private non-resident patients*

**32.—**(1) If the Ministry is satisfied that it is reasonable to do so, it may authorise accommodation and services at a hospital vested in it to be made available to such extent as it may determine, in connection with the treatment, in pursuance of arrangements made by a medical or dental practitioner serving, whether in an honorary or paid capacity, on the staff of any such hospital, of private patients of that practitioner otherwise than as resident patients, being patients who undertake, or in respect of whom an undertaking is given, to pay, in respect of the provision of any such accommodation and any such services, such charges as the Ministry may determine, and the Ministry may recover those charges.

(2) The Ministry may, under paragraph (1), determine different charges for different accommodation and for different services and in relation to different circumstances.

(3) Accommodation and services shall not be made available under paragraph (1) so as to prejudice persons availing themselves of services at the hospital otherwise than as private patients.

*Hospital accommodation made available on part payment*

**33.—**(1) Where there is provided in any hospital vested in the Ministry accommodation in single rooms or small wards, the Ministry may authorise any such accommodation which is not for the time being needed by any patient on medical grounds to be made available for patients who undertake, or in respect of whom an undertaking is given, to pay for the accommodation such charges designed to cover part of the cost thereof as may be determined by the Ministry, and the Ministry may recover those charges.

(2) The Ministry may allow such deductions as it thinks fit from the amount of a charge due by virtue of an undertaking given under paragraph (1) to be paid for accommodation in respect of any period during which the accommodation is temporarily vacated by the person for whom it is made available.

*Cleanliness of school children*

**34.** The Ministry may, by regulations, make provision with respect to the examination and cleanliness of the persons and clothing of pupils in attendance at grant-aided schools and, in particular, where action for the examination or cleansing of a pupil cannot immediately take place, may provide for the exclusion from school of such pupil.

*Registration of homes for persons in need*

**35.** The Ministry shall secure the registration in accordance with Schedule 5 of homes for persons in need.

*Accommodation for persons in need in premises maintained by certain persons*

**36.—**(1) The Ministry may, in lieu or in supplementation of the provision of accommodation by it under Article 15, make arrangements with—



- (a) a person registered in accordance with Schedule 5 in respect of a home for persons in need;
  - (b) any person in respect of his private home;
- for the provision of accommodation in such premises or home.

(2) Any arrangements under paragraph (1) shall provide for the payment to the person by whom the accommodation is provided of charges, at such rates as may be determined by or under the arrangements, in respect of the accommodation provided by that person; and any person accommodated therein shall make payments accordingly to the person by whom the accommodation is provided.

*Removal to suitable premises of persons in need of care and attention*

37. The Ministry shall make arrangements in accordance with Schedule 6 for the purposes of securing the necessary care and attention for persons (other than persons in respect of whom a warrant may be issued under section 105 of the Mental Health Act) who—

- (a) are suffering from grave chronic disease or, being aged, infirm or physically incapacitated, are living in insanitary conditions; and
- (b) are unable to devote to themselves, or to receive from persons with whom they reside, or from persons living nearby, proper care and attention.

*Protection for property of certain persons*

38.—(1) Where a person—

- (a) is admitted as a patient to any hospital or is admitted to other accommodation provided under this Order; or
- (b) is removed to any other place under an order made under Schedule 6;

and it appears to the Ministry that there is danger of loss of, or damage to, any property of his by reason of his temporary or permanent inability to protect or deal with the property, and that other suitable arrangements have not been, or are not being, made to prevent or mitigate the loss or damage, the Ministry shall take reasonable steps for that purpose.

(2) Paragraph (1) shall have effect in relation to persons suffering from mental disorder as if—

- (a) the reference to “hospital” included a reference to a private hospital within the meaning of the Mental Health Act; and
- (b) after sub-paragraph (b) there were inserted the following words—

“or

- (c) is subject to guardianship under the Mental Health Act;”.

(3) For the purpose of discharging the duty of the Ministry under paragraph (1), a person authorised in writing by the Ministry may, at all reasonable times, enter any premises which, immediately before the person mentioned in that paragraph was admitted or removed as aforesaid, were his place of residence or usual place of residence and may deal with any property of his in any way which is reasonably necessary to prevent or mitigate loss thereof or damage thereto.

(4) The Ministry may recover from a person admitted or removed as aforesaid, or from any person who, for the purposes of this Order, is liable to maintain him, any reasonable expenses incurred by it in relation to him under the the foregoing provisions of this Article.

*Burial or cremation of the dead*

39.—(1) The Ministry may cause to be buried or cremated the body of a deceased person who, immediately before his death, was being provided with accommodation under this Order by the Ministry.

(2) The Ministry may recover from the estate of such deceased person, or from any person who, for the purposes of this Order, was liable to maintain the deceased person immediately before his death, expenses incurred under paragraph (1) less any amount received by the Ministry by way of death grant in respect of that death under section 38 of the National Insurance Act (Northern Ireland) 1966.

(3) Where the relatives of any deceased person are not known or are, by reason of their absence, poverty or otherwise, unable to defray all or part of the expenses of burying or cremating that person, the Ministry may defray the whole or part of such expenses.

(4) Nothing in this Article shall affect any enactment regulating or authorising the burial, cremation or anatomical examination of the body of a deceased person; and a body shall not be cremated under this Article where the Ministry has reason to believe that cremation would be contrary to the wishes of the deceased.

*Common lodging-houses*

40. The Ministry may, by regulations, make provision with respect to common lodging-houses, including provision for registration and inspection of such lodging-houses.

*Availability or provision of services, otherwise than for purposes of the Order*

41. The Ministry may allow persons to make use, on such terms and conditions as it thinks fit, of any services the provision of which is involved in the provision of services under this Order; and it may, in the case of services the provision of which is so involved, provide them to an extent greater than that necessitated by the provision of services under this Order if it thinks it expedient to do so in order to allow persons to make use of them.

*Provision of services to persons not ordinarily resident in Northern Ireland*

42.—(1) The Ministry may make available any services provided under this Order to such persons or classes of persons not ordinarily resident in Northern Ireland to such extent and subject to such conditions as may be prescribed.

(2) Where services are provided under paragraph (1) the Ministry may, subject to such exemptions as may be prescribed, determine charges for such services and recover them in accordance with paragraphs 3 and 4 of Schedule 15.

*Powers of Ministry to conduct or assist research*

43. The Ministry may conduct or promote, or assist (by grant or otherwise) any person in conducting, research into—

(a) any matter relating to the causation, prevention, diagnosis or treatment of illness, or into such other matters relating to the health services as it thinks fit;

(b) any matter relating to the personal social services.

*Provisions relating to training*

44.—(1) The Ministry may, either directly or by entering into arrangements with others,—

- (a) provide training for persons with a view to, or in the course of, their employment or use of their services in the health or personal social services in Northern Ireland, in a related service in Great Britain, or by a voluntary organisation approved by the Ministry;
- (b) allow training provided under this paragraph to be given to persons other than persons described in sub-paragraph (a), and may, under this paragraph, provide such training to an extent greater than that necessitated by the requirements of persons so described if it is thought expedient to do so in order to allow such other persons to receive such training;
- (c) provide material and premises necessary for, or in connection with, the provision of any training referred to in sub-paragraph (a) or (b);
- (d) provide training under this paragraph on such terms as the Ministry thinks fit.

(2) The Ministry may, subject to such conditions as it may determine,—

- (a) make grants towards any fees or expenses incurred by, or
- (b) defray or contribute towards the cost of maintenance of,

persons undergoing training for any of the purposes of this Order.

(3) The Ministry may, subject to such conditions as it may determine, pay the fees of, or make grants to, any body or persons providing training under paragraph (1).

*Travelling expenses of patients, etc.*

45. The Ministry may, by regulations, provide for the payment in accordance with prescribed scales and in such circumstances as may be prescribed, of the whole or part of any travelling or other out-of-pocket expenses necessarily incurred—

- (a) by any person for the purpose of availing himself of such services under this Order as may be prescribed;
- (b) by any person accompanying such person as is mentioned in paragraph (a);
- (c) by any relative visiting a person availing himself of services under this Order.

*Provision of residential accommodation for officers*

46. The Ministry may provide, on such terms and conditions as may be agreed, residential accommodation for—

- (a) officers employed for the purposes of any of its functions under this Order;
- (b) officers employed by a voluntary organisation for the purposes of any services provided under this Order.

*Loans to certain officers*

47. The Ministry may make loans to such officers employed for the purposes of any of the health or personal social services and subject to such conditions as the Ministry, with the approval of the Ministry of Finance, may determine to facilitate such officers in the purchase of motor cars or motor cycles essential to the efficient carrying out of their official duties.

*Acquisition and disposal of land*

48.—(1) The Ministry may acquire by agreement or compulsorily in accordance with the following provisions of this Article any land which in its opinion

is required for the purposes of any of the health or personal social services, and any land held by it for those purposes may, if in the opinion of the Ministry it is no longer required for those purposes, be disposed of by it or be appropriated by it for other purposes of the Ministry.

(2) Where the Ministry in exercise of the power conferred by paragraph (1) desires to acquire any land otherwise than by agreement, the Ministry may make an order (in this Article referred to as a “vesting order”) vesting the land in the Ministry.

(3) Schedule 6 to the Local Government Act (Northern Ireland) 1972 (a) shall, subject to the modifications thereof specified in Schedule 7 to this Order, apply for the purposes of the acquisition of land by means of a vesting order made under this Article in the same manner as it applies to the acquisition of land by means of a vesting order under that Act.

(4) The power to make a vesting order in respect of land—

(a) which is the property of any public body which has power under any transferred provision to acquire land compulsorily, or

(b) which is declared by or under any transferred provision to be inalienable, shall not, where representations objecting to the proposal for making the order have been duly made by the owner of the land and have not been withdrawn, be exercised in relation to that land unless the proposal for making the order has been approved by a resolution of each House of Parliament.

(5) Nothing in this Article shall authorise the Ministry to acquire, without the consent of the Ministry of Finance, any land on or in which there is, to the knowledge of the Ministry, any historic monument or archaeological object.

(6) In paragraph (5), “historic monument” and “archaeological object” have the same meanings as in the Historic Monuments Act (Northern Ireland) 1971 (b).

#### *Power to enter on lands*

49.—(1) A person authorised in writing by the Ministry (in this Article and in Article 50 referred to as an “authorised person”) may, on production if required of his credentials, at any reasonable time enter any land for the purpose of survey, valuation or examination—

(a) where the Ministry proposes to acquire the land otherwise than by agreement, or

(b) where it appears to the Ministry that survey, valuation or examination is necessary in order to determine whether any functions of the Ministry under Article 48 should be exercised on or with respect to the land.

(2) A power of entry under paragraph (1) shall not be exercisable in relation to any land except—

(a) with consent given by the occupier of the land; or

(b) after at least twenty-four hours’ notice of the intended entry has been served on the occupier or owner of the land.

(3) If any person, other than the owner or occupier of the land, knowingly prevents an authorised person from carrying out anything which the authorised person is duly authorised to do or obstructs the authorised person in carrying out any such thing, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20.

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(a) 1972 c. 9 (N.I.).

(b) 1971 c. 17 (N.I.).

(4) If any person, being the owner or occupier of land, knowingly prevents an authorised person from duly carrying into effect any survey, valuation or examination of such land or obstructs the authorised person in doing any such survey, valuation or examination, a court of summary jurisdiction on proof thereof may order him to permit to be done on the land all things requisite for carrying into effect such survey, valuation or examination; and, if he fails to comply with the order, he shall be guilty of an offence and shall, for every day during which the failure continues, be liable on summary conviction to a fine not exceeding £20.

(5) Where under this Article an authorised person enters any land, he shall ensure that the land is not left less secure by reason of the entry, and the Ministry shall make good or pay compensation for any damage to property caused by, or in consequence of, the authorised person exercising any right or failing to perform any duty under this Article.

(6) Any question of disputed compensation under this Article shall be referred to and determined by the Lands Tribunal.

(7) Any reference in this Article to an occupier or to an owner shall be construed as including a reference to a person appointed in writing by the occupier or owner as his representative for purposes including all or any of the purposes of this Article.

(8) Any power conferred by this Article shall be construed as including power to search and bore for the purpose of ascertaining the course of any sewers or drains or of ascertaining the nature of the subsoil therein and to take and carry away for examination specimens of the subsoil found therein.

#### *Power of inspection*

**50.**—(1) An authorised person may, on production if required of his credentials, at any reasonable time enter any home for persons in need or other premises in which a person is or is proposed to be accommodated under arrangements made by the Ministry and—

- (a) inspect the premises; and
- (b) make such examination into the state and management thereof and the condition and treatment of persons therein as he thinks fit.

(2) The power of entry and inspection conferred by paragraph (1) may be exercised by an authorised person in respect of any premises which he has reasonable cause to believe are being used as premises in respect of which a person should be registered under this Order.

(3) If any person wilfully obstructs an authorised person in the execution of his duties under this Article he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £20.

#### *Powers of Ministry where services are inadequate*

**51.** If the Ministry is satisfied, after such investigation as it thinks fit, that any list prepared under this Order—

- (a) of medical practitioners undertaking to provide general medical services; or
- (b) of dental practitioners undertaking to provide general dental services; or
- (c) of persons undertaking to provide general ophthalmic services; or
- (d) of persons undertaking to provide pharmaceutical services; or
- (e) of persons undertaking to provide any other services;

is not such as to secure the adequate provision of the services in question, or that for any other reason any considerable number of persons are not receiving satisfactory services under the arrangements in force under this Order, the Ministry may authorise a Health and Social Services Board to make such other arrangements as the Ministry may approve, or may itself make such other arrangements as appear to the Ministry to be necessary.

*Powers of Ministry in emergency*

52. If the Ministry is of the opinion that an emergency exists and thinks it necessary to do so in order to secure the effective continuance of any service under this Order, the Ministry may direct that any functions conferred by or under this Order on any body or person shall during the period of the emergency be performed by such other body or person as the Ministry may specify in the direction.

*Default powers of Ministry*

53.—(1) Where the Ministry is of opinion on representations made to it or otherwise that any Health and Social Services Board, the Agency or the Staffs Council has failed to discharge any functions conferred or imposed on it under this Order, or has in carrying out those functions failed to comply with any regulations, schemes, proposals or directions relating thereto, the Ministry may after holding an inquiry make an order declaring it to be in default.

(2) When such an order is made the members of the body shall forthwith vacate their office and the order shall provide for the appointment, in accordance with the provisions of this Order, of new members of the body, and may contain such provisions as seem to the Ministry expedient for authorising any person to act in the place of the body in question pending the appointment of the new members.

(3) An order under this Article may contain such supplementary and incidental provisions as appear to the Ministry to be necessary or expedient.

*Inquiries*

54. The Ministry may cause an inquiry to be held in any case where it appears to the Ministry advisable to do so in connection with any matter arising under this Order or the Mental Health Act, and the provisions of Schedule 8 shall have effect in relation to any such inquiry.

PART VI

GENERAL HEALTH SERVICES

*Local representative committees*

*Local representative committees*

55.—(1) Where the Ministry is satisfied, after consultation with the Health and Social Services Board or Boards concerned and the Agency, that a local committee formed for the area of any Health and Social Services Board, or for an area which comprises the areas of two or more Boards, is representative—

- (a) of the medical practitioners of that area, or
- (b) of the dental practitioners of that area, or
- (c) of the ophthalmic medical practitioners of that area, or
- (d) of the ophthalmic and dispensing opticians of that area, or
- (e) of the persons providing pharmaceutical services in that area.

the Ministry may recognise that committee.

- (2) Any committee so recognised shall be known as—
- (a) the Local Medical Committee;
  - (b) the Local Dental Committee;
  - (c) the Local Ophthalmic Medical Committee;
  - (d) the Local Ophthalmic Optical Committee;
  - (e) the Local Pharmaceutical Committee;
- as the case may be, for the area concerned.

(3) A Health and Social Services Board and the Agency shall consult with committees recognised under this Article in accordance with directions; and those committees shall have such functions as may be prescribed.

### *General medical services*

#### *Arrangements for general medical services*

**56.**—(1) Every Health and Social Services Board shall, in accordance with regulations, make arrangements in respect of its area with medical practitioners for the provision by them of personal medical (including maternity medical) services for all persons in the area who wish to take advantage of the arrangements, and the services provided in accordance with the arrangements are in this Order referred to as “general medical services”.

(2) Subject to paragraph (5), regulations may make provision for defining the general medical services to be provided and for securing that the arrangements will be such that all persons availing themselves of those services will receive adequate personal care and attendance, and the regulations shall include provision—

- (a) for the preparation, publication and maintenance of lists of medical practitioners who undertake to provide general medical services other than maternity medical services;
- (b) for the preparation, publication and maintenance of lists of medical practitioners who undertake to provide maternity medical services and who possess such qualifications, or have such experience in the practice of obstetrics, as may be prescribed;
- (c) for the establishment and constitution of a committee, to be known as the Obstetric Committee, which shall have such functions in relation to the lists mentioned in sub-paragraph (b) as may be prescribed;
- (d) for conferring a right, subject to the provisions of this Order relating to the disqualification of persons providing services, on any medical practitioner resident in Northern Ireland who wishes to be included in the lists mentioned in sub-paragraph (a), to be so included;
- (e) for conferring a right on any person to choose, in accordance with the prescribed procedure, the medical practitioner who is to provide him with general medical services, subject to the consent of the practitioner so chosen and to any prescribed limit on the number of patients to be accepted by any practitioner;
- (f) for the distribution among medical practitioners whose names are on the lists mentioned in sub-paragraph (a) of any persons who have indicated a wish to obtain general medical services but who have not made any choice of medical practitioner or have been refused by the practitioner chosen; and

(g) for the issue, to or on behalf of persons availing themselves of general medical services or their personal representatives, by medical practitioners providing those services of certificates reasonably required by them under or for the purposes of any enactment specified in the regulations.

(3) Regulations under paragraph (2) may include provision for prescribing the time within which medical practitioners providing maternity medical services must submit their claims for remuneration to the Health and Social Services Board in respect of the provision by them of those services, and for the extension of that time where good cause is shown for delay.

(4) Where any medical practitioner referred to in paragraph (2) (b) provides any maternity medical services for a woman in a hospital vested in the Ministry, he shall, for the purposes of paragraph (2) and of any regulations thereunder, and for the purposes of this Order, be taken to have provided those services under this Article.

(5) Before making any regulations under this Article, the Ministry shall consult such organisations as appear to the Minister to be representative of the medical profession.

*Remuneration of general medical practitioners*

57.—(1) The remuneration to be paid under arrangements made under Article 56 (1) to a practitioner who provides general medical services shall not consist wholly or mainly of a fixed salary which has no reference to the number of patients for whom the practitioner has undertaken to provide such services, except where—

- (a) the arrangements are made by virtue of Article 51; or
- (b) the services are provided in such circumstances as may be prescribed and the practitioner consents.

(2) Before any regulations are made prescribing any circumstances for the purposes of this Article, the Ministry shall consult such organisations as appear to the Minister to be representative of the medical profession.

*Provision as to right to inclusion in list of general medical practitioners*

58.—(1) So long as this Article remains in force, neither Article 56 (2) nor any regulations made thereunder shall, notwithstanding anything contained in Article 56 (2) (d), have effect so as to confer a right to inclusion in any list mentioned in Article 56 (2) (a) of medical practitioners undertaking to provide general medical services on any medical practitioner who has not, at some time before the 25th July 1950, been included in such a list.

(2) Where a Health and Social Services Board has resolved that the inclusion of any such medical practitioner in such a list as is referred to in paragraph (1) is necessary or expedient to secure the due discharge by it of its duty under Article 56 (1), the Health and Social Services Board may authorise that inclusion upon such terms and subject to such conditions as may be provided for in regulations made under Article 56 (2) and, where, before the 30th December 1958, the Northern Ireland General Health Services Board has, pursuant to section 1 (b) of the Health Services (Temporary Provisions) Act (Northern Ireland) 1950 (a), resolved as aforesaid in relation to any such medical practitioner, such resolution shall have effect as an authorisation under this paragraph.

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(a) 1950 c. 23 (N.I.).



(3) This Article shall remain in force until such date as the Governor may, by Order in Council, declare to be the date on which this Article shall cease to have effect.

*Loans to general medical practitioners*

59. The Ministry may, subject to and in accordance with the provisions of Schedule 9, make loans to practitioners providing general medical services.

*Prohibition of sale of, and compensation for loss of right to sell, medical practices*

60. Schedule 10 shall have effect with respect to the prohibition of the sale of, and compensation for loss of right to sell, the goodwill of medical practices.

*General Dental Services, General Ophthalmic Services and  
Pharmaceutical Services*

*Arrangements for general dental services*

61.—(1) Every Health and Social Services Board shall, in accordance with regulations, make arrangements in respect of its area with dental practitioners under which any person for whom a dental practitioner undertakes in accordance with the arrangements to provide dental treatment and appliances shall receive such treatment and appliances, and the services provided in accordance with the arrangements are in this Order referred to as “general dental services”.

(2) Subject to paragraph (4), regulations may make provisions as to the arrangements to be made under paragraph (1), and shall include provision—

- (a) for the preparation, publication and maintenance of lists of dental practitioners who undertake to provide general dental services;
- (b) for conferring a right, subject to the provisions of this Order relating to the disqualification of persons providing services, on any dental practitioner resident in Northern Ireland who wishes to be included in any such list, to be so included;
- (c) for conferring a right on any person to choose, in accordance with the prescribed procedure, the dental practitioner from whom he is to receive general dental services, subject to the consent of the practitioner so chosen;
- (d) for the making and recovery by persons providing general dental services of charges in respect of—
  - (i) the extra expense involved in the supply, at the request of the person supplied, as part of those services, of any dental appliance which is of a more expensive type than that which would normally be supplied, or the replacement or repair of any such appliance; or
  - (ii) the replacement or repair of any dental appliance supplied as part of the services aforesaid, if it is determined in the prescribed manner that the replacement or repair is necessitated by an act or omission of the person supplied or (if it occurred when he was under sixteen years of age) of his or of the person having charge of him when it occurred; and
- (e) for the remuneration of dental practitioners providing general dental services.

(3) Subject to paragraph (4), regulations may make provision for the making and recovery of charges (subject to such safeguards as the Ministry may consider necessary) by persons providing general dental services in respect of treatment which, on the ground of the nature of the treatment provided or such other

special circumstances (whether related to the nature of the treatment or otherwise) as may be prescribed, justifies an extra charge.

(4) Before making any regulations under this Article, the Ministry shall consult such organisations as appear to the Minister to be representative of the dental profession.

*Arrangements for general ophthalmic services*

62.—(1) Every Health and Social Services Board shall, in accordance with regulations, make arrangements in respect of its area with medical practitioners having the prescribed qualifications, ophthalmic opticians and dispensing opticians for securing the testing of sight by such medical practitioners and ophthalmic opticians and the supply by ophthalmic opticians and dispensing opticians of optical appliances, and the services provided in accordance with such arrangements are in this Order referred to as “general ophthalmic services”.

(2) Subject to paragraph (3), regulations may make provision as to the arrangements to be made under this Article, and shall include provision—

- (a) for the preparation and publication of lists of medical practitioners, ophthalmic opticians and dispensing opticians respectively who undertake to provide general ophthalmic services;
- (b) for conferring a right, subject to the provisions of this Order relating to the disqualification of persons providing services, on any medical practitioner resident in Northern Ireland and having the prescribed qualifications, ophthalmic optician or dispensing optician who wishes to be included in the appropriate list, to be so included;
- (c) for conferring on any medical practitioner, who is dissatisfied with a determination that he does not possess the qualifications prescribed under this Article, a right of appeal to a committee appointed by the Ministry, and for making provision for any matter for which it appears to the Ministry to be necessary or expedient to make provision in consequence of the conferring of that right;
- (d) for conferring on any person a right to choose, in accordance with the prescribed procedure, the medical practitioner or ophthalmic optician by whom his sight is to be tested or from whom any prescription for the supply of optical appliances is to be obtained, and the ophthalmic or dispensing optician who is to supply the appliances;
- (e) for the making and recovery by persons providing general ophthalmic services of charges in respect of—
  - (i) the extra expense involved in the supply, at the request of the person supplied, as part of those services, of any optical appliance which is of a more expensive type than that which would normally be supplied, or the replacement or repair of any such appliance; or
  - (ii) the replacement or repair of any optical appliance supplied as part of the services aforesaid, if it is determined in the prescribed manner that the replacement or repair is necessitated by an act or omission of the person supplied or (if it occurred when he was under sixteen years of age) of his or of the person having charge of him when it occurred; and
- (f) for the remuneration of persons providing or participating in the provision of general ophthalmic services.

(3) Before making any regulations under this Article, the Ministry shall consult such organisations as appear to the Minister to be representative of

medical practitioners practising as ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians.

*Arrangements for pharmaceutical services*

63.—(1) Every Health and Social Services Board shall, in accordance with regulations, make arrangements in respect of its area for the supply of proper and sufficient drugs and medicines and prescribed appliances to all persons who are receiving general medical services, and of approved drugs and medicines to all persons who are receiving general dental services, and the services provided in accordance with the arrangements are in this Order referred to as “pharmaceutical services”.

(2) Subject to paragraph (3), regulations may make provision for securing that arrangements made under this Article will be such as to enable any person receiving general medical services to obtain proper and sufficient drugs and medicines and prescribed appliances, if ordered by the medical practitioner rendering those services, from any persons with whom arrangements have been made under this Article, and to enable any person receiving general dental services to obtain approved drugs and medicines, if ordered by the dental practitioner rendering those services, from any persons with whom such arrangements have been made, and the regulations shall include provision—

- (a) for the preparation, publication and maintenance of lists of persons who undertake to provide pharmaceutical services;
- (b) for conferring a right, subject to the provisions of this Order relating to the disqualification of persons providing services, on any person who wishes to be included in any such list to be so included for the purpose of supplying such drugs, medicines and appliances as that person is entitled by law to sell; and
- (c) for the remuneration of persons providing pharmaceutical services.

(3) Before making any regulations under this Article, the Ministry shall consult such organisations as appear to the Minister to be representative of the pharmaceutical profession.

(4) In this Article, “approved drugs and medicines” means such drugs and medicines as are included in a list for the time being approved for the purposes of this Article by the Ministry.

*Persons authorised to provide pharmaceutical services*

64. Except as provided by regulations, an arrangement shall not be made by a Health and Social Services Board—

- (a) with a medical or dental practitioner, under which he is required or agrees to provide pharmaceutical services to any person to whom he is rendering general medical services or general dental services; or
- (b) with a person who is not a pharmacist, for the dispensing of medicines.

*Supplementary provisions*

*Disqualification of persons providing certain services*

65. The provisions of Schedule 11 shall have effect in relation to the disqualification of persons providing services.

*Former dispensary property, etc.*

66. The provisions of Schedule 12 shall apply to any property which was transferred to and vested in the Northern Ireland General Health Services

Board consequent on section 19 of the Health Services Act (Northern Ireland) 1948 and transferred to and vested in the Ministry by virtue of section 6 (1) (b) of the Health Services (Amendment) Act (Northern Ireland) 1967 (a).

## PART VII

### CO-OPERATION WITH GOVERNMENT DEPARTMENTS, PUBLIC BODIES AND VOLUNTARY ORGANISATIONS, ETC.

#### *Co-operation between Health and Social Services Boards, district councils, etc.*

67. In exercising their respective functions, Health and Social Services Boards, district councils, Education and Library Boards, the Northern Ireland Housing Executive and the Northern Ireland Community Relations Commission shall co-operate with one another in order to secure and advance the health and social welfare of the people of Northern Ireland.

#### *Supply of goods and services to certain persons and bodies*

68.—(1) The Ministry may and a Health and Social Services Board or the Agency may, and if directed by the Ministry, shall—

- (a) purchase, store and supply to persons providing general medical, dental or ophthalmic services or pharmaceutical services under Part VI, such equipment, goods or materials as may be prescribed;
- (b) purchase, store and supply to government departments and public bodies, any equipment, goods or materials of a kind which is used in the health or personal social services;
- (c) provide government departments and public bodies with any administrative, professional or other services of persons employed by the Ministry, a Health and Social Services Board or the Agency;
- (d) permit government departments and public bodies to use premises occupied for the purposes of the health or personal social services;

on such terms and conditions as may be agreed.

(2) In paragraph (1) (a) and (b), the power to supply equipment, goods and materials includes a power to make arrangements with third parties for the supply by them of those things.

#### *Supply of goods and services between Health and Social Services Boards and district councils*

69. For any purpose connected with matters concerning public or environmental health the Ministry may direct a Health and Social Services Board and a district council—

- (a) to make arrangements such as are mentioned in section 105 of the Local Government Act (Northern Ireland) 1972 in circumstances specified by the Ministry; and
- (b) to furnish to the Ministry or to the other party to the arrangements such information as appears to the Ministry to be necessary or expedient for purposes of the arrangements;

and the Health and Social Services Board and the district council shall comply with any such direction.

#### *Assistance to bodies providing certain housing accommodation, etc.*

70. The Ministry may make a contribution of such amount as it considers appropriate towards any expenditure incurred by the Northern Ireland Housing

Executive or a housing association in respect of the provision, maintenance and management of housing accommodation for, or the provision of special facilities for, persons in need.

*Arrangements with and assistance to voluntary organisations*

71.—(1) The Ministry may make arrangements for the provision by voluntary organisations of any of the health or personal social services on such terms and conditions as may be agreed.

(2) The Ministry may, on such terms and subject to such conditions as it may, with the approval of the Ministry of Finance, determine, give assistance by way of grant or loan or partly in one way and partly in the other, to a voluntary organisation providing services similar or related to any of the health or personal social services.

(3) The Ministry may assist any voluntary organisation providing services similar or related to any of the health or personal social services by permitting them to use premises belonging to the Ministry on such terms and conditions as may be agreed, and by making available vehicles, equipment, goods or materials (whether by way of gift, loan or otherwise) and the services of any staff who are employed in connection with the premises or other things which the Ministry permits the organisation to use.

PART VIII

FUNCTIONS OF THE MINISTRY OF HOME AFFAIRS

*General duty of Ministry of Home Affairs*

72. It shall be the duty of the Ministry of Home Affairs to provide or secure the provision of personal social services under the Children and Young Persons Act (Northern Ireland) 1968 and the Adoption Act (Northern Ireland) 1967.

*Functions of Ministry of Home Affairs*

73.—(1) The Ministry of Home Affairs shall exercise the functions conferred on it by the Children and Young Persons Act (Northern Ireland) 1968 and the Adoption Act (Northern Ireland) 1967 and accordingly those Acts shall have effect subject to the amendments specified in Part I of Schedule 16.

(2) The Child Welfare Council continued by section 166 of that Act of 1968 shall be dissolved.

PART IX

DISSOLUTION OF CERTAIN BODIES, ETC.

*Dissolution of certain bodies*

74. On 1st April 1973 the following bodies shall be dissolved—

- (a) the Northern Ireland Hospitals Authority;
- (b) management committees;
- (c) the Northern Ireland General Health Services Board;
- (d) the Staffs Council appointed under section 1 of the Health Services Act (Northern Ireland) 1971.

*Transfer of assets and liabilities*

75.—(1) Subject to Part X and the following provisions of this Article, on 1st April 1973 there shall be transferred to the Ministry by virtue of this Order

and without the necessity of any conveyance, deed of transfer or other instrument—

- (a) all the assets and liabilities of the Northern Ireland Hospitals Authority and management committees;
- (b) all the assets and liabilities of the Northern Ireland General Health Services Board;
- (c) all the assets and liabilities of the Staffs Council appointed under section 1 of the Health Services Act (Northern Ireland) 1971;
- (d) all the property, other assets and liabilities to which a local authority was entitled or was subject immediately before that date being property, other assets and liabilities held, acquired or incurred in its capacity as a health or welfare authority and also—
  - (i) property held and used by a local authority exclusively for health or welfare purposes; or
  - (ii) other assets and liabilities wholly or mainly held, acquired or incurred by a local authority for health or welfare purposes.

(2) In this Article and Article 77 “health or welfare purposes” means the purposes of the following Acts—

- (i) the Health Services Act (Northern Ireland) 1971;
- (ii) the Welfare Services Act (Northern Ireland) 1971 (a);
- (iii) the Children and Young Persons Act (Northern Ireland) 1968;
- (iv) the Adoption Act (Northern Ireland) 1967;
- (v) the Public Health Act (Northern Ireland) 1967 (b);
- (vi) the Education Act (Northern Ireland) 1947 (c).

(3) There shall not be transferred, by virtue of paragraph (1) (d), buildings or parts of buildings forming part of a school within the meaning of the Education Act (Northern Ireland) 1947 or the Education and Libraries (Northern Ireland) Order 1972 or any assets or liabilities acquired or incurred in connection with such buildings or parts of buildings.

(4) Stamp duty shall not be chargeable on this Order or on any instrument or other document executed for the purposes of transferring property to the Ministry under paragraph (1).

(5) A certificate issued by the Ministry that any asset or liability has, by virtue of paragraph (1), been transferred to it shall be accepted as evidence of such transfer and, upon lodgment of such a certificate relating to land, the certificate shall be registered in the Registry of Deeds or, in the case of registered land, the title to which the certificate relates shall be registered in the Land Registry.

#### *Supplementary and transitional provisions*

76.—(1) The Ministry may, by order, make such incidental, consequential, transitional or supplemental provision as appears to it to be necessary or expedient for the general or any particular purposes of this Order or in consequence of any of the provisions thereof or for giving full effect thereto including provision for any of the matters set out in Schedule 13, and nothing in any other provision of this Order shall be construed as prejudicing the generality of this paragraph.

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(a) 1971 c. 2 (N.I.).

(b) 1967 c. 36 (N.I.).

(c) 1947 c. 3 (N.I.).

(2) Without prejudice to any provision of the Local Government Act (Northern Ireland) 1972, paragraph (1) and Schedule 13 shall have effect in connection with the dissolution of a health or welfare authority by virtue of that Act.

*Transfer of officers*

77.—(1) The Ministry shall make a scheme or schemes providing for the transfer on 1st April 1973 to the employment of the Ministry, such Health and Social Services Board as may be specified in the scheme or schemes, the Agency or the Staffs Council of officers who immediately before the transfer are employed by—

- (a) the Northern Ireland Hospitals Authority;
- (b) the Northern Ireland General Health Services Board;
- (c) the Staffs Council appointed under section 1 of the Health Services Act (Northern Ireland) 1971;
- (d) a health or welfare authority wholly or mainly for health or welfare purposes.

(2) A scheme made under paragraph (1) shall include provision with respect to any person who is transferred under the scheme as to secure that—

- (a) so long as he continues in the employment of the Ministry, any Health and Social Services Board, the Agency or the Staffs Council, as the case requires, by virtue of the transfer and until he is served with a statement in writing of his new terms and conditions of employment, he enjoys terms and conditions of employment (including conditions as to superannuation benefits) not less favourable than those he enjoyed immediately before 17th November 1971; and
- (b) the said new terms and conditions are such that—
  - (i) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of the transfer, the scale of his remuneration; and
  - (ii) the other terms and conditions of his employment; are taken as a whole not less favourable than those he enjoyed immediately before 17th November 1971.

(3) Where, in relation to a person who is transferred by a scheme under paragraph (1), the terms and conditions of his employment (including conditions as to superannuation benefits) are on or after 17th November 1971 varied in any respect, the Ministry may direct that the variation shall be wholly or partially included among the terms and conditions on which he becomes employed by the Ministry, any Health and Social Services Board, the Agency or the Staffs Council, as the case requires; and paragraph (2) shall have effect in relation to him as if so much of the variation as is specified in the direction had been included in the terms and conditions of his employment immediately before 17th November 1971.

(4) A written statement given in accordance with section 4 of the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 (a) shall not be regarded as a statement of new terms and conditions of employment for the purpose of paragraph (2) unless the statement so indicates.

(5) Where a person enters the employment of the Northern Ireland Hospitals Authority, the Northern Ireland General Health Services Board, the Staffs Council appointed under section 1 of the Health Services Act (Northern Ireland)

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(a) 1965 c. 19 (N.I.).

1971 or a health or welfare authority on or after 17th November 1971 but before 1st April 1973, paragraphs (2) and (3) shall have effect as if for any reference to terms and conditions of employment enjoyed immediately before 17th November 1971 there were substituted a reference to terms and conditions of employment enjoyed immediately after entering that employment.

(6) In paragraphs (2) and (3) "terms and conditions of employment" includes any restriction under a transferred provision on the termination of the employment of any person.

(7) The Ministry may, by order subject to affirmative resolution, modify the Contracts of Employment and Redundancy Payments Act (Northern Ireland) 1965 in its application to any person transferred to the employment of the Ministry, a Health and Social Services Board, the Agency or the Staffs Council by virtue of a scheme under paragraph (1).

#### *Compensation of officers*

78.—(1) The Ministry may by regulations made with the approval of the Ministry of Finance make provision for the payment, on such terms and subject to such conditions as may be specified in the regulations, of compensation to or in respect of a person who is transferred under Article 77 (1) and who subsequent to his transfer suffers loss of employment or loss or diminution of emoluments (including superannuation rights) which is attributable to this Order.

(2) Regulations under paragraph (1) may—

- (a) include provision as to the funds out of which and the persons by whom compensation is to be defrayed;
- (b) include provision as to the manner in which and the time within which and the person to whom any claim for compensation is to be made;
- (c) be framed so as to have effect from a date earlier than the making of the regulations but not so as to place any person in a worse position than he would have been in if the regulations had been framed as to have effect only from the date of their making;
- (d) apply for the purposes of paragraph (1) the provisions of any transferred provision relating to the payment of compensation subject to the modifications (if any) specified in the regulations;
- (e) make provision for the determination of questions arising under the regulations.

## PART X

### ENDOWMENTS AND OTHER TRUST PROPERTY, ETC.

#### *Transfer of endowments, etc., held by management committees*

79.—(1) All endowments held by a management committee and to which Schedule 5 to the Health Services Act (Northern Ireland) 1971 applied or had been applied and property held on trust by a management committee under section 38 of that Act together with the accumulated income thereof, being endowments, property or income held immediately before 1st April 1973, shall on that date, together with any rights attached thereto and liabilities to which they are subject, be transferred to and vest in the Health and Social Services Board which administers the hospital, group of hospitals or establishment concerned.



(2) Schedule 14 shall apply to all endowments and income thereof transferred to a Health and Social Services Board under paragraph (1).

(3) The property and income, other than that referred to in paragraph (2), transferred to a Health and Social Services Board under paragraph (1) shall be held by that Board—

- (a) where the property was held by a management committee for a specific purpose, on trust for that purpose;
- (b) where the property was held for the general purposes of a particular hospital or of an establishment maintained for the training of persons requiring special care within the meaning of the Mental Health Act, on trust for the general purposes of that hospital or establishment;
- (c) where the property was not held for a purpose limited as in sub-paragraph (a) or (b), on trust for such purposes relating to services provided under this Order in or in relation to hospitals as the Board thinks fit; so however that in exercising its discretion under this sub-paragraph the Board shall secure as far as is reasonably practicable that the objects of the trust are not prejudiced.

*Transfer of property held on trust by Northern Ireland Hospitals Authority*

**80.**—(1) All property held on trust immediately before 1st April 1973 by the Northern Ireland Hospitals Authority under section 38 of the Health Services Act (Northern Ireland) 1971 together with the accumulated income thereof, shall on that date, together with any rights attached thereto and liabilities to which it is subject, be transferred to and vest in such Health and Social Services Board or Boards as the Ministry shall determine.

(2) Article 79 (3) shall apply to property and income transferred to any Health and Social Services Board under this Article as it applies to property and income transferred to any Health and Social Services Board under that Article.

*Transfer of certain property held by health and welfare authorities*

**81.**—(1) All property held immediately before 1st April 1973, by a health authority under section 42 (4) of the Health Services Act (Northern Ireland) 1971 or by a welfare authority under section 28 of the Welfare Services Act (Northern Ireland) 1971 together with the accumulated income thereof, shall on that date, together with any rights attached thereto and liabilities to which it is subject, be transferred to and vest in the Health and Social Services Board which administers the services formerly provided by the authority concerned.

(2) The property and income transferred under paragraph (1) shall be held by the Health and Social Services Board and administered by that Board in accordance with the terms of the agreement made between the authority concerned and the organisation or, as the case may be, the trustees.

(3) An agreement made under section 42 (4) of, or under section 28 of, the said Acts of 1971 may be varied in the like manner and subject to the like consents and conditions as are provided for in, or by virtue of, that section.

(4) Where the Attorney-General is satisfied that an organisation is no longer in existence or, as the case may be, the trustees are dead, he may consent to the variation of the terms of an agreement under paragraph (3).

*Transfer of other property held on trust by health and welfare authorities*

**82.**—(1) Any property, other than property to which Article 81 applies, held on trust immediately before 1st April 1973 by a health or welfare authority

together with the accumulated income thereof, shall on that date, together with any rights attached thereto and liabilities to which it is subject, be transferred to and vest in the Health and Social Services Board which administers the services formerly provided by the authority concerned.

(2) The property and income transferred under paragraph (1) shall be held by the Health and Social Services Board—

- (a) where the property was held by a health or welfare authority for a specific purpose, on trust for that purpose;
- (b) where the property was not held for a purpose limited as in sub-paragraph (a), on trust for such purposes relating to services provided under this Order as the Board may think fit; so however that in exercising its discretion under this sub-paragraph the Board shall secure as far as is reasonably practicable that the objects of the trust are not prejudiced.

*Power of trustees to make payments to Health and Social Services Boards*

83.—(1) Where property (other than property transferred to the Ministry under Part IX or to a Health and Social Services Board under this Part) is held on trust immediately before 1st April 1973, and the terms of the trust instrument authorise or require the trustees, whether immediately or in the future, to apply any part of the capital or income of the trust property for the purposes of any hospital or service which is to be administered by a Health and Social Services Board, the trust instrument shall be construed as authorising or, as the case may be, requiring the trustees to apply the trust property, to the like extent and at the like times, for the purpose of making payments, whether of capital or income, to the Health and Social Services Board concerned.

(2) Any sums paid to a Health and Social Services Board under paragraph (1) in respect of property held on trust to which section 39 of the Health Services Act (Northern Ireland) 1971 applied shall be applied by it as if such sums were income from endowments transferred to that Board under Article 79 and the provisions of Schedule 14 shall have effect accordingly.

*Power of Ministry in cases of difficulty*

84. Where any difficulty arises under Articles 79 to 83 in the allocation to Health and Social Services Boards of any property, the Ministry may determine to which Health and Social Services Boards the property or any part thereof shall be transferred.

*Power of the Health and Social Services Boards to accept property on trust*

85.—(1) A Health and Social Services Board may accept, hold and administer any property on trust for purposes relating to any service which it is the Board's function to make arrangements for, administer or provide.

(2) For the purposes of giving effect to the provisions of any will, deed or other like instrument coming into operation on or after 1st April 1973, references to a management committee, a health authority or a welfare authority, as the case may require, shall be construed as a reference to the appropriate Health and Social Services Board.

(3) Nothing in Article 87 shall affect the operation of any such provisions as are referred to in paragraph (2).

*Certain property of voluntary organisations*

86.—(1) Where any property is—

(a) vested in any voluntary organisation formed for the purpose of providing any services similar or related to services which Health and Social Services Boards are authorised or required to provide; or

(b) held by any persons on trust for such an organisation or for any specific purposes connected with such an organisation;

then, notwithstanding any enactment or rule of law or anything contained in the constitution or rules of the organisation or in any order of court, deed, will or other instrument relating to the organisation, that property may, with the approval of the Attorney-General, be transferred to a Health and Social Services Board on such terms as may be agreed between that Board and the organisation or, as the case may be, the trustees with a view to the property being held or used by that Board for purposes similar to the purposes for which it was previously held or used.

(2) The power to make an agreement under paragraph (1) shall be construed as including power, exercisable in the like manner and subject to the like consents and conditions, to vary the terms of that agreement.

(3) Where the Attorney-General is satisfied that an organisation is no longer in existence or, as the case may be, the trustees are dead, he may consent to the variation of the terms of an agreement under paragraph (2).

## PART XI

### FINANCIAL PROVISIONS

#### *Expenses of the Health and Social Services Boards, the Agency and Staffs Council*

87.—(1) There shall be paid by the Ministry to the Health and Social Services Boards, the Agency and the Staffs Council such sums as may be necessary to defray the expenditure of those bodies, being expenditure approved by the Ministry other than expenditure defrayed by the Ministry of Home Affairs under paragraph (2).

(2) There shall be paid by the Ministry of Home Affairs to the Health and Social Services Boards such sums as may be necessary to defray the expenditure of those Boards in connection with the exercise of functions of that Ministry under the Children and Young Persons Act (Northern Ireland) 1968 and the Adoption Act (Northern Ireland) 1967, being expenditure approved by that Ministry.

(3) Payments made under this Article shall be made at such times and in such manner, and subject to such conditions as to records, certificates or otherwise, as the Ministry may determine.

#### *Regulation of financial arrangements of certain bodies*

88.—(1) The Ministry may give directions to each Health and Social Services Board, the Agency or the Staffs Council restricting the making of payments by or on behalf of each of those bodies otherwise than on such authorisation and subject to such conditions as may be specified in the directions, but such provision may be made subject to such exceptions as may be so specified.

(2) Directions under paragraph (1) may contain such other provisions as to the making and carrying out by all or any of those bodies of such arrangements with respect to financial matters as the Ministry thinks necessary for the purpose of securing that the affairs of such bodies are conducted, so far as

reasonably practicable, in such manner as to prevent financial loss and to ensure and maintain efficiency.

*Remuneration of members of bodies and certain other persons*

**89.**—(1) The Ministry may pay such remuneration and such allowances as the Ministry may, with the approval of the Ministry of Finance, determine to—

- (a) members of any body established or appointed under this Order or the Mental Health Act;
- (b) such other persons as may be prescribed.

(2) Allowances shall not be paid under paragraph (1) except in connection with the performance of such functions and in such circumstances, as the Ministry may determine.

(3) Any payments made under paragraph (1) shall be made at such times and in such manner, and subject to such conditions as to records, certificates or otherwise, as the Ministry may determine.

(4) In this Article “member” includes a member of a committee or sub-committee of a body, whether he is a member of the body or not.

*Accounts of certain bodies*

**90.**—(1) Each Health and Social Services Board, the Agency and the Staffs Council shall keep, in such form as the Ministry may direct, accounts of all money received and of all money paid out by them.

(2) In respect of each financial year—

- (a) each Health and Social Services Board, the Agency and the Staffs Council shall prepare and submit annually to the Ministry accounts in such form as the Ministry may direct and those accounts shall be audited by auditors appointed by the Ministry;
- (b) the Ministry shall prepare in such form as the Ministry of Finance may approve summarised accounts of the Health and Social Services Boards, the Agency and the Staffs Council and shall submit them to the Comptroller and Auditor-General, who shall examine and certify them;
- (c) the Ministry shall lay before each House of Parliament copies of the summarised accounts certified by the Comptroller and Auditor-General together with his report (if any) on them.

(3) The Comptroller and Auditor-General, in the discharge of his duty under paragraph (2) (b), may examine any accounts and any records relating thereto and any report of the auditor thereon.

(4) The Ministry, with the approval of the Ministry of Finance, may make such regulations for the purposes of this Article as it considers necessary and such regulations may prescribe the times at which accounts shall be submitted under this Article to the Ministry and to the Comptroller and Auditor-General.

(5) In this Article “Comptroller and Auditor-General” means the Comptroller and Auditor-General for Northern Ireland.

*Endowments and other property on trust*

**91.** In respect of each financial year—

- (a) each Health and Social Services Board shall prepare and submit annually to the Ministry accounts in such form as the Ministry may direct of endowments and other property on trust and those accounts shall be audited by auditors appointed by the Ministry;

- (b) the Ministry shall prepare summarised accounts of endowments and other property on trust;
- (c) auditors appointed by the Ministry shall examine and certify the summarised accounts, and the Ministry shall lay copies of them before each House of Parliament.

*Power of Ministry to give directions as to audit of accounts*

92. The Ministry may give directions generally with respect to the audit of accounts of each Health and Social Services Board, the Agency and the Staffs Council and, in particular, may confer on the auditor of any of those accounts—

- (a) such rights of access to, and production of books, accounts, vouchers and other documents as may be specified in the directions, and
- (b) such right to require from any member or officer, or former member or officer, of any such body such information relating to the affairs of the body as the Ministry may think necessary for the proper performance of the duty of the auditor under this Order.

*Northern Ireland share of expenses of certain United Kingdom Councils, etc.*

93.—(1) The Ministry shall pay to the Council for the Education and Training of Health Visitors and the Central Council for Education and Training in Social Work such sums as may be necessary to defray that portion of the expenditure incurred by each of those Councils, with the approval of the Health Ministers (as defined in the Health Visiting and Social Work (Training) Act 1962 (a)), as is deemed to be incurred in relation to Northern Ireland, so far as that expenditure exceeds any income derived from the exercise of the Council's functions and is not met out of money provided by the Parliament of the United Kingdom.

(2) The Ministry may pay to each of the committees appointed under paragraph 8 of Schedule 2 to the Health Visiting and Social Work (Training) Act 1962 to act as advisory committees in Northern Ireland to each of the Councils established under that Act such sums as may be necessary to defray the expenditure incurred by the committee with the approval of the Ministry.

(3) The Ministry may pay to any other body established by or under any Act of the Parliament of the United Kingdom and exercising any functions in relation to services provided under this Order, such sums as may be necessary to defray that portion of that body's expenditure which may be deemed to be incurred in relation to Northern Ireland and is not met out of money provided by the Parliament of the United Kingdom.

(4) The Ministry shall pay to the Health Education Council Limited such sums as may be necessary to defray that portion of the Council's expenditure which may be deemed to be incurred in relation to Northern Ireland and is not met out of money provided by the Parliament of the United Kingdom.

*Expenses of the Ministry*

94.—(1) The expenses incurred by the Ministry under this Order and any increase, attributable to any provision of this Order, in the sums which are to be defrayed under any other enactment may be defrayed out of money hereafter appropriated for the purpose of meeting such expenses or, to such extent (if any) as the Ministry of Finance directs, by means of sums charged on and issued out of the Consolidated Fund.

(2) The Ministry of Finance may borrow money for the purpose of providing money for issues out of the Consolidated Fund under paragraph (1).

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(a) 1962 c. 33.

## PART XII

### MISCELLANEOUS AND GENERAL

#### *Miscellaneous*

#### *Exercise, in certain cases, of right of choice of person by whom services are to be provided*

95. Where a right to choose the person by whom services are to be provided under this Order is conferred by or under any provision of this Order, that right shall, in the case of such persons as may be prescribed, be exercisable on their behalf by other prescribed persons.

#### *Preservation of associations of denominational hospitals*

96. Where the character and associations of any hospital through which services are being or are to be provided under this Order are such as to link that hospital with a particular religious denomination, regard shall be had in the general administration of the hospital and in the making of appointments to the Health and Social Services Board administering the hospital to the preservation of the character and associations of the hospital.

#### *Protection for officer acting in execution of duty*

97.—(1) An officer of a Health and Social Services Board, the Agency or the Staffs Council shall not be personally liable in respect of any act done by him in the execution of any function of the Health and Social Services Board, the Agency or the Staffs Council, as the case requires, and within the scope of his employment if he acted reasonably and in the honest belief that his duty required or empowered him to do it; but nothing in this paragraph shall be construed as relieving such a body of any liability in respect of acts of its officers.

(2) Where an action has been brought against an officer of a body such as is mentioned in paragraph (1) in respect of an act done by him in the execution or purported execution of any such function and the circumstances are such that he is not legally entitled to require that body to indemnify him, that body may nevertheless indemnify him against the whole or a part of any damages or costs which he may have been ordered to pay or may have incurred, if that body is satisfied that he honestly believed that the act complained of was within the scope of his employment and that his duty required or empowered him to do it.

#### *Services free of charge*

98.—(1) The services provided under this Order shall be free of charge, except where any provision contained in or made under this Order expressly provides for the making and recovery of charges.

(2) The provisions of Schedule 15 shall have effect in relation to the making and recovery of certain charges and to the other matters mentioned in that Schedule.

#### *Charges in respect of certain accommodation for persons in need*

99.—(1) Subject to the provisions of this Article, the payment for any accommodation provided by the Ministry under Article 15 shall be in accordance with a standard rate determined by the Ministry for that accommodation.

(2) Subject to paragraph (3), where the Ministry is satisfied that a person for whom accommodation is provided, or proposed to be provided, is unable to pay therefor at the standard rate, the Ministry shall determine the rate which

he shall be liable to pay for the accommodation, having regard to any supplementation of his resources which he may receive under the Supplementary Benefits &c. Act (Northern Ireland) 1966 (a).

(3) The liability of any person to pay for accommodation under this Article may be reduced by reason of any work which he performs and which assists materially in the management of the premises.

(4) The Ministry in determining a person's ability to pay for accommodation shall give effect to Part III of Schedule 2 to the Supplementary Benefits &c. Act (Northern Ireland) 1966.

(5) Where a person for whom accommodation is provided, or proposed to be provided, under Article 36 satisfies the Ministry that he is unable to pay therefor at the rate determined under Article 36 (2), the provisions of paragraphs (2) and (3) of this Article shall have effect in respect of accommodation provided by any person under Article 36 as they have effect in respect of accommodation provided by the Ministry under Article 15, and the Ministry shall pay to the person by whom the accommodation is provided the amount by which the charge has been reduced.

(6) The provisions of paragraph (4) shall, with the necessary modifications, have effect for the purposes of paragraph (5) as they have effect for the purposes of paragraphs (2) and (3).

#### *Liability to maintain spouse and children*

**100.**—(1) For the purposes of this Order—

(a) a man shall be liable to maintain his wife and his children; and

(b) a woman shall be liable to maintain her husband and her children.

(2) The reference in paragraph (1) (a) to a man's children includes a reference to children of whom he has been adjudged to be the putative father; and the reference in paragraph (1) (b) to a woman's children includes a reference to her illegitimate children.

#### *Recovery of cost of accommodation for persons in need*

**101.**—(1) Where under Article 15 accommodation is provided by the Ministry or applied for in respect of any person (in this Article referred to as a "person accommodated"), the Ministry may bring proceedings upon complaint under Part IX of the Magistrates' Courts Act (Northern Ireland) 1964 (b) against any other person who, for the purposes of this Order, is liable to maintain the person accommodated.

(2) On hearing a complaint under this Article, the court shall have regard to all the circumstances and, in particular, to the resources of the defendant, and may order the defendant to pay such sum, weekly or otherwise, as the court may consider appropriate.

(3) In this Article, "the court" means the court of summary jurisdiction having jurisdiction in the place where the accommodation was provided or applied for.

(4) Payments under paragraph (2) shall be made—

(a) to the Ministry, in respect of the cost of accommodation, whether provided before or after the making of the order; or

(b) to the applicant for accommodation or any other person, being a person accommodated; or

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(a) 1966 c. 28 (N.I.).

(b) 1964 c. 21 (N.I.).

(c) to such other person as appears to the court expedient in the interests of the person accommodated;

or as to part in one such manner and as to part in another, as may be provided by the order.

(5) The payments to be made pursuant to an order under this Article shall (irrespective of the recipient thereof) inure for the benefit of the Ministry.

#### *Affiliation orders*

**102.**—(1) The following provisions of this Article shall have effect where the Ministry provides or secures the provision of accommodation for an illegitimate child, and the provisions of Article 101 shall not have effect in relation to the father of the child.

(2) If an affiliation order is not in force, the Ministry may, while the accommodation is being provided or within three years after the accommodation ceases to be provided, make application, upon complaint, to a justice of the peace having jurisdiction in the place where the mother of the child resides for a summons to be issued under section 2 of the Illegitimate Children (Affiliation Orders) Act (Northern Ireland) 1924 (a) (in this Article referred to as “the Act of 1924”).

(3) In any proceedings on an application under paragraph (2), the court shall hear such evidence as the Ministry may produce, in addition to the evidence required to be heard by section 1 (3) of the Act of 1924, and shall in all other respects, but subject to the provisions of paragraph (4), proceed as on an application made under section 2 of that Act.

(4) An order made on an application under paragraph (2) may, notwithstanding anything in section 3 (3) of the Act of 1924, be so made as to provide that the payments or a part of the payments to be made thereunder shall be made to the Ministry or to such other person as the court, in accordance with the provisions of the Act of 1924, may direct.

(5) On an application by the Ministry in any proceedings under the Act of 1924 brought by the mother of the child, an order under that Act may make such provision as is referred to in paragraph (4).

(6) Any order under the Act of 1924 may, on the application of the Ministry, be varied so as to make such provision as is referred to in paragraph (4); and any order under the Act of 1924 which provides as aforesaid may, on the application of the mother of the child, be varied so as to provide that the payments thereunder shall be made to the mother or a person appointed to have the custody of the child.

#### *Failure to maintain*

**103.**—(1) Where a person persistently refuses or neglects to maintain himself or any person whom he is liable to maintain for the purposes of this Order and, in consequence of his refusal or neglect, the Ministry provides or secures the provision of accommodation under Article 15 for that person or any other person, he shall be guilty of an offence and shall be liable on summary conviction—

(a) where the accommodation was provided for him, to imprisonment for a term not exceeding six months;

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(a) 1924 c. 27 (N.I.).



(b) in any other case, to a fine not exceeding £50 or to imprisonment for a term not exceeding six months, or to both.

(2) For the purposes of this Article, a person shall not be deemed to refuse or neglect to maintain himself or any other person by reason only of anything done or omitted in furtherance of a trade dispute.

### *Administrative and Supplemental*

#### *Annual reports*

104.—(1) Each Health and Social Services Board, the Agency and the Staffs Council, shall annually, at such time and in such form as the Ministry may direct, make to the Minister a report of its work.

(2) The Ministry and the Ministry of Home Affairs shall jointly make to Parliament an annual report giving an account of the exercise of their functions under this Order.

#### *Arbitration*

105.—(1) Subject to paragraph (2), any matter which is required under this Order to be determined by arbitration shall be determined by a single arbitrator agreed upon by the parties or, in default of such agreement, appointed by the Lord Chief Justice on the application of any of the parties.

(2) An arbitrator for the purposes of paragraph 3 (4) (a) of Schedule 10 shall be—

- (a) a person agreed upon between the Minister and such organisations as appear to the Minister to be representative of the medical profession, and appointed by the Minister; or
- (b) if such person is not acceptable to either party, a person agreed upon between the parties, and appointed by the Minister; or
- (c) in default of agreement, a person appointed by the Lord Chief Justice on the application of either party.

(3) An arbitrator appointed in accordance with paragraph (2) shall have the assistance of two assessors, who shall be persons agreed upon between the Minister and the organisations referred to in paragraph (2) (a), and shall be appointed by the Minister.

(4) In the event of the death or incapacity of an assessor appointed in accordance with paragraph (2), another may, with the like agreement, be appointed by the Minister in his stead.

(5) The validity of any award under paragraph 3 (4) of Schedule 10 shall not be questioned on the sole ground of the substitution of either or both of the assessors.

(6) Subject to the foregoing provisions of this Article, the Arbitration Act (Northern Ireland) 1937 (a) shall, in relation to arbitrations under this Order, have effect subject to such modifications as may be prescribed.

#### *Miscellaneous administrative matters*

106. Regulations may—

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(a) 1937 c. 8 (N.I.).

- (a) provide for the determination by arbitration, in default of agreement, of any question arising as to whether any asset or liability has been transferred by virtue of section 27 of the Health Services Act (Northern Ireland) 1948 or section 6 of the Health Services (Amendment) Act (Northern Ireland) 1967 or as to the person to whom it has been transferred by virtue of those sections;
- (b) prescribe anything which is necessary or expedient for the purpose of giving due effect to the provisions of this Order.

*Orders, regulations and directions*

107.—(1) Orders made under Articles 16 (1) and 108, orders made under Article 76 (1) to which paragraph 1 (a) to (e) of Schedule 13 applies and regulations shall be subject to negative resolution.

(2) Regulations may provide that persons contravening the regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding an amount specified in the regulations.

(3) The amount which may be specified in regulations as mentioned in paragraph (2) shall not exceed £100.

(4) Section 17 (2) of the Interpretation Act (Northern Ireland) 1954 shall apply to a direction given by the Ministry or given jointly by the Ministry and the Ministry of Home Affairs under this Order as if the direction were a statutory instrument.

(5) All statutory instruments made under any transferred provision repealed by this Order, so far as they are in force immediately before the commencement of this Order, shall with the necessary modifications continue in force until they are revoked by any order or regulations under this Order and shall have the like effect, and the like proceeding may be had thereon and in respect thereof as if they had been made under this Order.

(6) Without prejudice to any other provision of this Order, any power conferred by this Order on the Ministry to make any regulations or orders having a financial implication shall, if the Ministry of Finance so directs, be exercisable only in conjunction with that Ministry.

*Amendment and repeal of local Acts and charters*

108. Where, immediately before the commencement of this Article, there was in force a local or personal Act or charter containing provisions inconsistent with any of the provisions of this Order or redundant in consequence of any of those provisions, the Ministry may by order modify the local or personal Act or charter so far as may be necessary for the purpose of bringing its provisions into conformity with the provisions of this Order or, as the case may be, for the purpose of removing redundant provisions.

*Amendments, savings and repeals*

109.—(1) The transferred provisions set out in Part II of Schedule 16 shall have effect subject to the amendments specified in that Part.

(2) The saving, temporary and transitional provisions specified in Schedule 17 shall have effect for the purposes of this Order.

(3) The transferred provisions set out in Schedule 18 are hereby repealed to the extent specified in column 3 of that Schedule.

(4) References to any transferred provision repealed by this Article in any deed, instrument or other document giving effect to arrangements made under paragraph 2 (2) of Schedule 11 to the Health Services Act (Northern Ireland) 1971 shall be construed as references to the corresponding provision of this Order.

*W. G. Agnew*

## SCHEDULES

### SCHEDULE 1

Article 16 (3).

#### THE HEALTH AND SOCIAL SERVICES BOARDS

##### PART I

###### THE CONSTITUTION OF THE HEALTH AND SOCIAL SERVICES BOARDS

1. A Health and Social Services Board shall be a body corporate with perpetual succession to which section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply.

2. A Health and Social Services Board shall, notwithstanding that it is exercising functions on behalf of the Ministry or the Ministry of Home Affairs, be entitled to enforce any rights acquired and shall be liable in respect of any liabilities incurred (including liabilities in tort) in the exercise of those functions in all respects as if it were acting as a principal, and all proceedings for the enforcement of such rights or liabilities shall be brought by or against the Health and Social Services Board in its own name.

3.—(1) Subject to the succeeding provisions of this paragraph, a Health and Social Services Board shall consist of a chairman and vice-chairman appointed by the Minister and such number of other members as the Minister thinks fit, appointed by the Minister as follows:—

- (a) at least one person nominated by each of the district councils in the area of the Health and Social Services Board;
- (b) persons appointed after consultation with—
  - (i) such organisations as appear to the Minister to be representative of such professions as the Minister considers appropriate;
  - (ii) any university appearing to the Minister to have an interest in the provision of health or personal social services;
  - (iii) such other bodies as appear to the Minister to be concerned.

(2) In the case of appointments made before 1st April 1973 the Minister shall consult also with—

- (a) the Northern Ireland Hospitals Authority;
- (b) the Northern Ireland General Health Services Board; and
- (c) health and welfare authorities or such associations as appear to the Minister to be representative of those authorities.

(3) The provisions of sub-paragraph (1) (a) as to the appointment of persons nominated by district councils shall not prevent the Health and Social Services Boards being established before such nominations are made and the Boards may exercise their functions to the extent provided for by an order under Article 1.

4.—(1) Subject to sub-paragraph (2), the term of office of members of a Health and Social Services Board shall be two years or such other period as may be determined by the Minister at the time the appointments are made.

(2) A member who is appointed on the nomination of a district council shall, if he is a member of that district council, cease to be a member of the Health and Social Services Board if he ceases to be a member of the district council.

5.—(1) A member of a Health and Social Services Board may resign his membership by serving notice on the Minister.

(2) Where any member of a Health and Social Services Board—

(a) is absent from the meetings of the Board for more than six months consecutively (except for a reason approved by the Minister); or

(b) has become bankrupt or has made a composition with his creditors; or

(c) is convicted of an indictable offence;

the Board shall forthwith, by resolution, declare the office to be vacant and shall notify that fact in such manner as it thinks fit, and thereupon the office shall become vacant.

(3) Where the place of a member becomes vacant before the expiration of his term of office whether by death, resignation or otherwise, the vacancy shall be filled by appointment by the Minister and any person so appointed shall hold office for the remainder of the term of office of the former member.

6. The proceedings of a Health and Social Services Board or of any committee thereof shall not be invalidated by any vacancy in the membership of the Board or committee or by any defect in the appointment of any of its members.

## PART II

### SUPPLEMENTARY PROVISIONS AS TO THE HEALTH AND SOCIAL SERVICES BOARDS

#### *Acquisition, etc., of land*

7. Subject to Part X and paragraph 2 (d) of Schedule 9, so much of section 19 of the Interpretation Act (Northern Ireland) 1954 as relates to the acquisition of land shall not apply to a Health and Social Services Board and any power conferred by that section to acquire movable property shall be exercised on behalf of the Ministry.

#### *Committees*

8.—(1) Each Health and Social Services Board shall, subject to sub-paragraph (5), appoint a Health Services Committee and a Personal Social Services Committee.

(2) Without prejudice to Article 20 and sub-paragraph (1), a Health and Social Services Board may, subject to sub-paragraph (5), appoint one or more committees to which it may delegate such of its functions as it thinks fit.

(3) A committee appointed under this paragraph may include persons who are not members of the Health and Social Services Board, so however that the majority of the members of the committee shall be members of the Board.

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

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

#### *Sub-committees*

9.—(1) A Health and Social Services Board, or a committee appointed by such a Board, may, subject to sub-paragraph (3), appoint a sub-committee to consider and report to the Board or, as the case may be, the committee, upon any matter within the competence of that Board or committee.

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

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

### *Procedure*

10. Each Health and Social Services Board shall make standing orders with regard to its procedure (including the fixing of a quorum) and that of its committees and sub-committees which shall be subject to the approval of the Ministry.

### *Disclosure of pecuniary, etc., interests and related provisions*

11.—(1) Subject to sub-paragraph (2), sections 28 to 33 and 146 of the Local Government Act (Northern Ireland) 1972 and section 148 of that Act so far as it applies for the interpretation of those sections, shall apply to a Health and Social Services Board and to a committee and sub-committee thereof and to a member of such a Board, committee and sub-committee as if—

(a) in those sections any reference to a council were a reference to a Board or to a committee or sub-committee thereof, any reference to a councillor were a reference to a member of a Board or of a committee or sub-committee thereof, any reference to the clerk of the council were a reference to the chief administrative officer of the Health and Social Services Board and any reference to that Act were a reference to this Order;

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

(2) Notwithstanding anything in sub-paragraph (1), where an officer of a Health and Social Services Board is a member of the Board he may vote upon any matter which touches the interests of officers of the Board or such officers of any class (including a class to which he belongs), but shall not vote upon any matter touching only his individual interest.

### *Officers*

12.—(1) The qualifications, remuneration and conditions of service of officers of a Health and Social Services Board shall be determined by the Ministry.

(2) Regulations may make provision with respect to—

(a) the method of appointment of officers of Health and Social Services Boards;

(b) the qualifications, remuneration and conditions of service of such officers of Health and Social Services Boards as may be prescribed;

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

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

### *The seal*

13. The seal of a Health and Social Services Board shall be authenticated by the signatures of at least one member of the Board and of the person for the time being acting as chief administrative officer of the Board.

### *Execution of contracts and instruments not under seal*

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

## SCHEDULE 2

## Article 22 (2).

### THE NORTHERN IRELAND HEALTH AND SOCIAL SERVICES COUNCIL

1. The Council shall consist of a chairman and vice-chairman appointed by the Minister, and other members so appointed as follows:—

- (a) the chairman of, and one other person nominated by, each Health and Social Services Board;
- (b) the chairman of each central advisory committee;
- (c) a person or persons appointed after consultation with any university appearing to the Minister to have an interest in the provision of health or personal social services;
- (d) such other persons as may be appointed after consultation with such other interests as appear to the Minister to be concerned.

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

- (a) the appointment, tenure, and vacation of office, of the chairman, vice-chairman and other members of the Council;
- (b) enabling alternate members to attend in place of any member of the Council who may be absent;
- (c) the appointment by the Council of committees whose membership may include persons who are not members of the Council;

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

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

4. The Ministry may make such arrangements for the provision of secretarial and other services and facilities for the Council as appear to the Ministry to be appropriate.

Article 26 (2).

### SCHEDULE 3

#### THE NORTHERN IRELAND CENTRAL SERVICES AGENCY FOR THE HEALTH AND SOCIAL SERVICES

##### PART I

##### THE CONSTITUTION OF THE AGENCY

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

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

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

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

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

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

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

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

## PART II

### SUPPLEMENTARY PROVISIONS AS TO THE AGENCY

#### *Acquisition, etc., of land*

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

#### *Committees*

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

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

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

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

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

#### *Sub-committees*

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

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

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

#### *Procedure*

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

#### *Disclosure of pecuniary, etc., interests and related provisions*

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

(a) in those sections any reference to a council were a reference to the Agency or to a committee or sub-committee thereof, any reference to a councillor were a reference to a member of the Agency or of a committee or sub-committee thereof, any reference to the clerk of the council were a reference to the chief administrative officer of the Agency and any reference to that Act were a reference to this Order;

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

#### *Officers*

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

(2) Regulations may make provision with respect to—

(a) the method of appointment of officers of the Agency; and

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

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

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

#### *The seal*

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

#### *Execution of contracts and instruments not under seal*

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

Articles 28 (2), 29 (5).

### SCHEDULE 4

#### THE NORTHERN IRELAND STAFFS COUNCIL FOR THE HEALTH AND SOCIAL SERVICES

#### PART I

#### THE CONSTITUTION OF THE STAFFS COUNCIL

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

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

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

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

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

(a) the appointment, tenure and vacation of office, of the chairman, vice-chairman and other members of the Staffs Council;



(b) enabling alternate members to attend in place of any members of the Staffs Council who may be absent;  
or if no such regulations are in force, may determine any of those matters.

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

## PART II

### SUPPLEMENTARY PROVISIONS AS TO THE STAFFS COUNCIL

#### *Acquisition, etc., of land*

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

#### *Committees and sub-committees*

7. The Ministry may, by regulations or directions, make provision with respect to the appointment, constitution or functions of committees or sub-committees whose membership may include persons who are not members of the Staffs Council.

#### *Procedure*

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

#### *Disclosure of pecuniary, etc., interests and related provisions*

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

- (a) in those sections any reference to a council were a reference to the Staffs Council or to a committee or sub-committee thereof, any reference to a councillor were a reference to a member of the Staffs Council or of a committee or sub-committee thereof, any reference to the clerk of the council were a reference to the chief administrative officer of the Staffs Council and any reference to that Act were a reference to this Order;
- (b) in section 28 (4) of that Act the words “or 46” were omitted and for the words from “by any local elector” onwards there were substituted the words “by any person.”.

#### *Officers*

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

(2) Regulations may make provision with respect to—

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

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

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

*The seal*

11. The seal of the Staffs Council shall be authenticated by the signatures of at least one member of the Staffs Council and of the person for the time being acting as chief administrative officer of the Staffs Council.

*Execution of contracts and instruments not under seal*

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

Article 35.

SCHEDULE 5

REGISTRATION OF HOMES FOR PERSONS IN NEED

1.—(1) Subject to sub-paragraph (3), a person shall not carry on a home for persons in need unless he is registered in accordance with the provisions of this Schedule in respect of that home.

(2) Any person who contravenes the provisions of sub-paragraph (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50 or, in the case of a second or subsequent offence, to imprisonment for a term not exceeding three months or to a fine not exceeding £50, or to both.

(3) Where the person registered in accordance with this Schedule in respect of a home dies, his executor or his widow, or any other member of his family may, for a period not exceeding four weeks from his death, or such longer period as the Health and Social Services Board may sanction, carry on the home without being registered in respect thereof.

2.—(1) An application for registration shall be made to the Health and Social Services Board for the area in which the home named in the application is situated.

(2) Subject to sub-paragraph (3), the Health and Social Services Board shall register an applicant in respect of the home named in an application and issue to him a certificate of registration.

(3) The Health and Social Services Board may refuse to register the applicant if it is satisfied—

- (a) that he or any person employed or proposed to be employed by him in the management of the home, or any part thereof, is not a fit person, whether by reason of age or otherwise, to carry on or to be so employed at a home of such a description as the home named in the application; or
- (b) that, for reasons connected with situation, construction, state of repair, accommodation, staffing or equipment, the home is, or any premises used in connection therewith are, not fit to be used for a home of such a description as aforesaid; or
- (c) that the way in which it is proposed to conduct the home is such as not to provide services or facilities reasonably required by persons resorting to such a home.

3. The Health and Social Services Board may at any time cancel the registration of a person in respect of a home on any ground which would entitle it to refuse an application for the registration of that person in respect of that home, or on the ground that the person has been convicted of an offence under this Schedule or against regulations made under paragraph 6 relating to the conduct of homes for persons in need, or on the ground that any other person has been convicted of such an offence in respect of that home.

4.—(1) Not less than fourteen days before refusing an application for registration or cancelling any registration, the Health and Social Services Board shall serve notice of its intention to refuse the application or cancel the registration on the applicant or, as the case may be, on the person registered.

(2) Every such notice shall state the grounds on which the Health and Social Services Board intends to refuse the application or cancel the registration and shall contain an intimation that if, within fourteen days after the service of the notice, the applicant or, as the case may be, the person registered informs the Board in writing of his desire to show cause, in person or by a representative, why the application should not be refused or the registration cancelled, the Board shall, before refusing the application or cancelling the registration, afford him an opportunity so to do.

(3) If the Health and Social Services Board, after giving the applicant or, as the case may be, the person registered an opportunity of being heard by it, decides to refuse the application for registration, or to cancel the registration, it shall serve notice of the decision on the applicant or, as the case may be, the person registered, and such notice shall inform him of his right of appeal under sub-paragraph (4) and of the time within which the appeal may be brought.

(4) A person aggrieved by a decision refusing an application for registration under paragraph 2 or cancelling any registration under paragraph 3 may, within twenty-one days from the date on which notice of the decision is served on him, appeal to the county court; and the cancellation under paragraph 3 of any registration shall not take effect until the expiration of the time within which an appeal may be brought under this sub-paragraph or, where such an appeal is brought, before the determination of the appeal.

(5) The decision of a county court on an appeal brought under sub-paragraph (4) shall be final, and the Health and Social Services Board shall give effect to that decision.

5. A certificate of registration issued in respect of any home shall be kept affixed in a conspicuous place in the home; and, if default is made in complying with this paragraph, the person carrying on the home shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £10 and where this paragraph is again contravened within one year after the conviction to a further fine not exceeding £5 for every day subsequent to the day on which that person is first convicted under this paragraph on which it is so contravened.

6. The Ministry may make regulations as to the conduct of homes for persons in need and, in particular (without prejudice to the generality of the foregoing provision)—

- (a) empowering the Health and Social Services Boards to limit the number of persons or persons of any description who may be received into any such home and for enabling registration of any such home to be made subject to the condition that persons shall not be received therein in excess of the number fixed for the home in accordance with the regulations;
- (b) as to the facilities and services to be provided in such homes.

7.—(1) A Health and Social Services Board shall keep a register of homes for persons in need which shall be in such form, and contain such particulars, as may be prescribed, and regulations may make provision as to the information to be supplied on any application for registration under this Schedule.

(2) A register kept for the purposes of this Schedule shall be available for inspection at all reasonable times, and a person inspecting any such register shall be entitled to make copies of entries therein on payment of such fee, if any, not exceeding £0.10 for each entry, as the Health and Social Services Board may determine.

8. In any proceedings under this Schedule a document purporting to be a copy of an entry in a register of homes for persons in need and purporting to be certified as such by a person authorised by the Health and Social Services Board shall be evidence of the matters recorded in the entry.

9. In the exercise of its functions under this Schedule a Health and Social Services Board shall act in accordance with regulations and directions.

REMOVAL TO SUITABLE PREMISES OF PERSONS IN NEED OF  
CARE AND ATTENTION

1. Where an officer, being a social worker, of any Health and Social Services Board—

(a) has reason to believe that, in the interests of any such person as is mentioned in Article 37 who is residing in the area of the Health and Social Services Board, or for preventing injury to the health of, or serious nuisance to, other persons, it is necessary to remove such person from the premises in which he is residing;

(b) consults with—

(i) the medical practitioner (if any) providing general medical services for such person under Part VI; and

(ii) a medical officer of the Health and Social Services Board designated by the Board in that behalf; and

(c) after such consultation, obtains from such medical officer a certificate to the effect that such removal is necessary;

that officer shall certify accordingly in writing to the Health and Social Services Board and that Board may thereupon, after serving on the nearest known relative (if any) in Northern Ireland of such person three clear days' notice of its intention to do so, apply to the court of summary jurisdiction having jurisdiction in the petty sessions district where the premises are situated for an order under paragraph 2.

2.—(1) Subject to sub-paragraph (2), on any such application the court may, if satisfied on oral evidence of the allegations in the certificate, order the removal of the person to whom the application relates, by such officer of the Health and Social Services Board as may be specified in the order, to a suitable hospital or other place in, or within convenient distance of, the area of that Board, and his detention and maintenance therein.

(2) The court shall not order the removal of a person to any premises unless either the person managing the premises has been heard in the proceedings or three clear days' notice has been served on him of the intended application and of the time and place at which it is proposed to be made.

3. An order under paragraph 2 may be made so as to authorise a person's detention for any period not exceeding three months, and the court may by order extend that period for such further period, not exceeding three months, as the court may determine.

4. An order under paragraph 2 may be varied by an order of the court so as to substitute for the place referred to in that paragraph such other suitable place in, or within convenient distance of, the area of the Health and Social Services Board as the court may determine, so however that paragraph 2 (2) shall apply, with the necessary modifications, to any proceedings under this paragraph.

5. At any time after the expiration of six weeks from the making of an order under paragraph 2 or 3, an application may be made to the court by or on behalf of the person in respect of whom the order was made, and, on any such application, the court may, if in the circumstances it appears expedient to do so, revoke or vary the order.

6. An application under this Schedule shall not be entertained by the court unless, three clear days at least before the making of the application, notice of the intended application, and of the time and place at which it is proposed to be made, has been served—

(a) where the application is for an order under paragraph 2 or 3, on the person in respect of whom the application is made;

(b) where the application is for the revocation of such an order, on the officer of the Health and Social Services Board.

7. A person in respect of whom an application is made under this Schedule, and any person on whom a notice has been served under paragraph 1, shall have the right to be heard against such application and to be represented by counsel or a solicitor.

8. Where the premises in which a person is maintained under this Schedule are premises which are neither hospital accommodation provided by the Ministry under this Order nor premises where accommodation is provided by, or by arrangement with, the Ministry under Article 15 or 36, the cost of his maintenance shall be borne by the appropriate Health and Social Services Board.

9. Any expenditure incurred by the Health and Social Services Board under paragraph 8 shall be recoverable by the Board from the person maintained or from any person who, for the purposes of this Order, is liable to maintain that person; and any expenditure incurred by virtue of this Schedule in connection with the maintenance of a person in premises where accommodation is provided under Article 15 or 36 shall be recoverable in like manner as expenditure incurred in providing such accommodation.

10. Any person who wilfully disobeys, or obstructs the execution of, an order under paragraph 2 or 3 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £10.

11. In the exercise of its functions under this Schedule a Health and Social Services Board shall act in accordance with regulations and directions.

#### SCHEDULE 7

Article 48 (3).

##### MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972 FOR THE PURPOSES OF ARTICLE 48

1. References to the Ministry or to the council shall be construed as references to the Ministry within the meaning of this Order.

2. References to the said Schedule 6 shall be construed as references to that Schedule as modified by this Schedule.

3. Paragraph 1 shall be omitted.

4. In paragraph 2—

(a) for the words from the beginning to “directs,” there shall be substituted the words “Where the Ministry proposes to acquire land otherwise than by agreement, it shall give notice of its intention to do so and such notice”;

(b) in sub-paragraph (c) for the words “as may be prescribed” there shall be substituted the words “as the Ministry considers fit”.

5. In paragraph 3 (1) (ii) for the word “refuse” there shall be substituted the words “decide not”.

6. In paragraph 4 the words from “and may provide” to the end of the paragraph shall be omitted.

7. In paragraph 5—

(a) in sub-paragraph (1) (a) the words “in the prescribed form and manner” shall be omitted;

(b) in sub-paragraph (1) (b) the two references to the said Act of 1972 shall be construed as references to this Order;

(c) in sub-paragraph (1) (d) the words “in the prescribed form” shall be omitted;

(d) in sub-paragraph (2) for the words “as may be prescribed” there shall be substituted the words “as the Ministry considers fit”.

8. In paragraph 6 (2) for the words “fund out of which the expenses of the council in acquiring the land are to be defrayed” there shall be substituted the words “Consolidated Fund” and for the words “out of the compensation fund” there shall be substituted the words “made by the Ministry”.

9. In paragraph 11 (3) the words “in the prescribed form” shall be omitted.
10. In paragraph 12—
  - (a) in sub-paragraph (1) the word “such” and the words “as may be prescribed” shall be omitted;
  - (b) in sub-paragraph (2) for the words from “clerk” to “directs” there shall be substituted the words “Ministry as correct, and shall publish”.
11. In paragraph 14 (1) the words “in the prescribed form” shall be omitted.
12. In paragraph 15 (1) for the words “in the prescribed form” there shall be substituted the words “in such form as may be approved by the Ministry”.
13. Paragraph 19 shall be omitted.
14. In paragraph 20, sub-paragraph (2) shall be omitted.

Article 54.

## SCHEDULE 8

### PROVISIONS AS TO INQUIRIES

1. The Ministry shall appoint a person to hold the inquiry and to report thereon to the Ministry.
2. Notification shall be sent to any persons appearing to the Ministry or the person appointed to hold the inquiry to be interested of the time when, and the place where, the inquiry is to be held.
- 3.—(1) Subject to sub-paragraphs (2) and (3), the person appointed to hold the inquiry may by notice require any person—
  - (a) to attend at the time and place set forth in the notice to give evidence or to produce any books or documents in his custody or under his control which relate to any matter in question at the inquiry; or
  - (b) to furnish, within such reasonable period as is specified in the notice, such information relating to any matter in question at the inquiry as the person appointed to hold the inquiry may think fit, and as the person so required is able to furnish.

(2) A person shall not be required, in obedience to such a notice, to attend at any place which is more than ten miles from the place where he resides unless the necessary expenses are paid or tendered to him.

(3) Nothing in this paragraph shall empower the person appointed to hold the inquiry to require any person to produce any book or document, or to answer any question, which he would be entitled, on the ground of privilege or otherwise, to refuse to produce or to answer if the inquiry were a proceeding in a court of law.
4. The person appointed to hold the inquiry may administer oaths and examine witnesses on oath, and may accept, in lieu of evidence on oath by any person, a statement in writing by that person.
5. Any person who—
  - (a) refuses or wilfully neglects to attend in obedience to a notice under paragraph 3, or to give evidence; or
  - (b) wilfully alters, suppresses, conceals, destroys or refuses to produce any book or document which he may be required to produce by any such notice; or
  - (c) refuses or wilfully neglects to furnish any information which he is required to furnish under paragraph 3 (1) (b);
 shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £20.
6. The expenses incurred by the Ministry in relation to any inquiry held under this Order (including such sum as the Ministry may, with the approval of the Ministry

of Finance, determine in respect of the services of any officer engaged in the inquiry) shall be paid by such of the parties to the inquiry in such proportions as the Ministry may order.

7. The Ministry may make orders as to the expenses incurred by the parties appearing at any such inquiry and as to the parties by whom such expenses shall be paid.

8. Any order made by the Ministry under paragraph 6 or 7 may, on the application of any party to the inquiry, be made a rule of the High Court.

## SCHEDULE 9

Article 59.

### PROVISION FOR MAKING LOANS TO GENERAL MEDICAL PRACTITIONERS

1. The Ministry, with the approval of the Ministry of Finance, may by order empower the Health and Social Services Boards to make loans to practitioners providing general medical services for the purpose of enabling them—

- (a) to provide, or to acquire a share in, premises used or to be used, in whole or in part, for the provision of those services;
- (b) to alter, enlarge, improve or repair such premises;
- (c) to acquire any land required for the erection of, or in connection with the use of, such premises;
- (d) to acquire any equipment or furniture needed by them in the provision of those services;
- (e) to repay any loan raised by them for any such purpose.

2. Without prejudice to the generality of paragraph 1, an order under this Schedule may make provision for—

- (a) authorising the making of schemes in accordance with which loans under the order shall be made;
- (b) the borrowing powers of the Health and Social Services Boards for the purpose of making loans under the order and the guaranteeing by the Ministry of Finance of the payment of interest on, and the repayment of the principal of, any loan raised by the Health and Social Services Boards for that purpose;
- (c) securing repayment of the interest on, and the principal of, any loans made under the order;
- (d) authorising the Health and Social Services Boards to hold and dispose of any land or other property conveyed to them as security for a loan so made;
- (e) the defrayal of expenses incurred in making loans under the order.

3. An order shall not be made under this Schedule unless and until a draft thereof has been laid before Parliament and approved by a resolution of each House of Parliament.

4. Where it is shown to the satisfaction of the Ministry that, taking one year with another, the revenue of any Health and Social Services Board from loans so made is less than the expenditure properly chargeable to any revenue account of that Board in respect of loans so made, the Ministry may pay to that Board such sum not exceeding the amount of the deficiency as the Ministry thinks fit.

5. Where an order under this Schedule authorises the Ministry of Finance to guarantee the payment of interest on, and the repayment of the principal of, any loan proposed to be raised by the Health and Social Services Boards—

- (a) the principal of the loans which may be so guaranteed under the order shall not exceed in the aggregate six hundred thousand pounds;
- (b) there shall be charged on and issued out of the Consolidated Fund any sums required by the Ministry of Finance to fulfil any guarantees given by it under the order;

- (c) the Ministry of Finance may borrow money for the purpose of providing for issues out of the Consolidated Fund under sub-paragraph (b);
- (d) the Health and Social Services Board shall make to the Ministry of Finance, at such times and in such manner as that Ministry may direct—
  - (i) payments of such amounts as that Ministry may direct in or towards repayment of any sums issued out of the Consolidated Fund under sub-paragraph (b); and
  - (ii) payments of interest on what is outstanding in respect of sums so issued, at such rates as that Ministry may direct.

Articles 60, 105 (2),  
(5), Schedule 11.

#### SCHEDULE 10

##### PROVISIONS AS TO SALE OF MEDICAL PRACTICES

1. Where the name of any medical practitioner was, on 5th July 1948, or has been at any time thereafter, entered on any list of medical practitioners undertaking to provide general medical services, it shall be unlawful subsequently to sell the goodwill or any part of the goodwill of the medical practice of that medical practitioner.

2.—(1) Any person who sells or buys the goodwill or any part of the goodwill of a medical practice which it is unlawful to sell by virtue of paragraph 1 shall be guilty of an offence and shall be liable, on conviction on indictment, to a fine not exceeding—

- (a) such amount as will in the opinion of the court secure that he derives no benefit from the offence; and
- (b) the further amount of £500;

or to imprisonment for a term not exceeding three months, or to both.

(2) Where a person has been convicted of an offence under sub-paragraph (1), the court before which he is convicted may, on such conviction, order that the value of any consideration received by him or on his behalf in respect of the sale in question be forthwith repaid by him to the person or the successors in title of the person from whom it was so received.

3.—(1) Subject to sub-paragraph (2), every medical practitioner whose name was entered on 5th July 1948 on any list of medical practitioners undertaking to provide general medical services shall be entitled to be paid by the Ministry compensation in accordance with this paragraph in respect of any loss suffered by him by reason that he is or will be unable to sell the goodwill, or any part of the goodwill, of his practice by virtue of paragraph 1.

(2) In the computation of compensation payable under sub-paragraph (1) to a person who held office immediately before 5th July 1948 as a dispensary medical officer under the Poor Relief Acts (Northern Ireland) 1838 to 1937, regard shall be had to the salary annually paid to him during his service as such officer.

(3) The aggregate amount of compensation to be paid under this paragraph shall not exceed two million pounds or such greater sum as may be specified in an order made by the Ministry subject to affirmative resolution of the Commons.

(4) Subject to sub-paragraph (5), regulations shall—

- (a) prescribe the manner in which and the time within which claims for compensation are to be made, and provide for determining whether any claimant has suffered loss by reason of the matters referred to in sub-paragraph (1) and, if so, the extent of that loss, and provide for the settlement by arbitration of any dispute which may arise in any case as a result of exceptional circumstances;
- (b) provide for the distribution of the said aggregate amount among the persons who have suffered such loss as aforesaid, having regard to the extent of their respective losses;
- (c) prescribe the conditions on which, the manner in which and the times at which the compensation is to be paid; and



(d) provide for payment by the Ministry in each year, in such manner and at such times as may be prescribed, of interest at two and three-quarter per centum per annum on the amount of the compensation payable to any medical practitioner, in respect of the period from 5th July 1948 until the time when the compensation is paid.

(5) Before making any regulations under sub-paragraph (4), the Ministry shall consult such organisations as appear to the Minister to be representative of the medical profession.

4. For the purposes of this Schedule—

(a) references to the goodwill of a medical practice shall, in relation to a medical practitioner practising in partnership, be construed as referring to his share of the goodwill of the partnership practice; and

(b) references to medical practitioners whose names were entered on 5th July 1948 on any such list as is referred to therein shall include references to medical practitioners in practice on that day whose applications for entry on any such list were received by the Northern Ireland General Health Services Board before 1st October 1948.

## SCHEDULE 11

Article 65.

### DISQUALIFICATION OF PERSONS PROVIDING CERTAIN SERVICES

#### PART I

##### GENERAL PROVISIONS

1.—(1) There shall continue to be a tribunal (in this Order referred to as “the Tribunal”) for the purpose of inquiring into cases where representations are made in the prescribed manner to the Tribunal by a Health and Social Services Board or any other person that the continued inclusion of any person in any list prepared under Part VI of this Order—

- (a) of medical practitioners undertaking to provide general medical services; or
- (b) of dental practitioners undertaking to provide general dental services; or
- (c) of medical practitioners undertaking to provide general ophthalmic services; or
- (d) of ophthalmic opticians undertaking to provide general ophthalmic services; or
- (e) of dispensing opticians undertaking to provide general ophthalmic services; or
- (f) of persons undertaking to provide pharmaceutical services;

would be prejudicial to the efficiency of the services in question.

(2) The provisions of paragraphs 11 to 15 of Part II shall have effect with respect to the constitution of the Tribunal.

2. The supplementary provisions contained in Part II shall apply in relation to the Tribunal.

3. The Tribunal, on receiving representations from a Health and Social Services Board shall, and in any other case may, inquire into the case and, if it is of opinion that the continued inclusion of the said person in any list to which the representations relate would be prejudicial to the efficiency of the said services, shall direct that his name be removed from that list and may also, if it thinks fit, direct that his name be removed from, or not be included in, any corresponding list kept by any other Health and Social Services Board.

4. Any person aggrieved by any direction of the Tribunal under paragraph 3 may appeal to the Supreme Court in accordance with rules of court; and the decision given on any such appeal shall be final and conclusive.

5. Where the Tribunal directs that the name of any person be removed from, or not included in, any list or lists, the Health and Social Services Board or Boards concerned shall—

- (a) if an appeal is not brought, upon the expiration of the period within which an appeal may be brought; or
- (b) if an appeal is brought and the direction of the Tribunal is confirmed, on receiving notice of the decision of the Court;

remove the name of the person concerned from the list or lists in question, and that person shall, subject to paragraph 6, thereupon be disqualified for inclusion in any list to which the direction or, as the case may be, the direction as so confirmed relates.

6. A person so disqualified may, after the expiration of the prescribed period after the giving, or the confirmation, of any such direction, apply to the Tribunal for the inclusion of his name in the list or lists from which it has been so excluded or the restoration of his name to the list or lists from which it has been so removed; and the refusal of any such application shall be subject to appeal as if it were a direction given under paragraph 3.

7. A person who is disqualified under Part IV of the National Health Service Act 1946 (a) or Part IV of the National Health Service (Scotland) Act 1947 (b), or under any corresponding provision for the time being in force in the Isle of Man, for inclusion in any list prepared thereunder of persons undertaking to provide services of one or more than one of the kinds specified in paragraph 1 shall, so long as that disqualification is in force, be disqualified for inclusion in any list prepared under this Order of persons undertaking to provide services of that kind or of those kinds, and the name of that person shall be removed from any such list in which his name is included.

8. Regulations shall make provision—

- (a) with regard to the procedure for the holding of inquiries by the Tribunal under this Schedule and, in particular, for securing that any person who is the subject of any such inquiry shall have an opportunity of appearing, either in person or by counsel or solicitor or such other representative as may be prescribed, before, and of being heard by, the Tribunal, and of calling witnesses and producing other evidence on his behalf; and that the hearing by the Tribunal shall be in public if the person who is the subject of the inquiry so requests;
- (b) for conferring on the Tribunal such powers as appear to the Ministry to be necessary for the purpose of holding such inquiries, including power to require the attendance of witnesses and the production of documents, and to administer oaths; and
- (c) for the publication of the decisions of the Tribunal under this Schedule and of the imposition and removal of any disqualification imposed by virtue of paragraph 7.

9. Where immediately before 1st April 1973 any person is disqualified for inclusion in any list kept by the Northern Ireland General Health Services Board under Part II of the Health Services Act (Northern Ireland) 1971, he shall until such time as the Tribunal or, on appeal, the court directs to the contrary, be disqualified for inclusion in the appropriate list mentioned in paragraph 1.

10. Where any of the services mentioned in paragraph 1 (1) (a) to (f) is administered pursuant to arrangements made by any Health and Social Services Board, and that Board is satisfied that any person whose name is on the list of persons undertaking to provide those services has never provided or has ceased to provide those services or, where the services he has undertaken to provide are general medical or general dental services, that he has ceased to reside in Northern Ireland, it may remove his name from that list.

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(a) 1946 c. 81.      (b) 1947 c. 27.

PART II  
CONSTITUTION OF TRIBUNAL

11. The Tribunal shall consist of a chairman and two other members.

12. The chairman shall be either a barrister-at-law practising in Northern Ireland or a practising solicitor of the Supreme Court of Judicature of Northern Ireland of not less than ten years' standing respectively appointed by the Lord Chief Justice.

13. One of the other members shall be a person appointed by the Minister.

14. The other member (hereinafter referred to as "the practitioner member") shall be one of a panel of six persons, each being of not less than ten years' standing in his profession, appointed by the Governor and consisting of a medical practitioner, a dental practitioner, an ophthalmic medical practitioner, an ophthalmic optician, a dispensing optician and a pharmacist, and the practitioner member shall, for the purpose of the investigation of the case of any person, be such one of the six persons aforesaid as belongs to the same profession as the person whose case is being investigated.

15. If any of the members of the Tribunal is unable to act in any case, a deputy may be appointed in like manner as in the case of the appointment of the member in question, and, if the member was required to possess professional qualifications, the deputy shall possess the like qualifications.

*Supplementary provisions*

16. Regulations made under paragraph 8 may make provision with respect to the appointment, tenure and vacation of office, of members of the Tribunal.

SCHEDULE 12

Article 66.

FORMER DISPENSARY PROPERTY, ETC.

1. Where a medical practitioner was in occupation of any dispensary residence immediately before the 5th July 1948 and exercised his entitlement under the proviso to section 19 (1) (a) of the Health Services Act (Northern Ireland) 1948 to continue to occupy such residence subject to such conditions as were determined pursuant to that proviso, and was, by virtue of that entitlement, in occupation of such residence immediately before the 1st April 1973, he shall be entitled to continue in occupation of such residence so long as he continues to comply with those conditions.

2. Notwithstanding anything in any transferred provision, or in any conveyance, trust deed or other instrument relating to that property, the Ministry may, subject to such conditions as it may determine, make available any property to which this Schedule applies (other than property which any person is entitled, pursuant to paragraph 1, to occupy) to any of the following persons—

- (a) medical practitioners, dental practitioners or pharmacists providing services under Part VI;
- (b) the Health and Social Services Boards for the purposes of any of their functions;
- (c) voluntary organisations providing services similar or related to those provided by the Ministry under this Order.

3. Where the Ministry is satisfied that any property to which this Schedule applies (other than property which any person is entitled, pursuant to paragraph 1, to occupy) is no longer required to be made available to the persons mentioned in paragraph 2, the Ministry may, notwithstanding anything in any transferred provision, or in any conveyance, trust deed or other instrument relating to that property, but subject to paragraphs 4 and 5 and to such conditions as it may determine, dispose of that property.

4. The Ministry shall, before disposing of any such property, notify the district council for the district within which the property is situated of its intention to do so.

5. If the district council, which has been notified pursuant to paragraph 4, by resolution duly passed and communicated to the Ministry within three months of the council being so notified, requires the Ministry to do so, the Ministry shall by order transfer to that council all interests, rights or liabilities in, or relating to, that property to which the Ministry is entitled or subject immediately before the making of the order.

6. A district council to which the interests, rights or liabilities in any property are transferred under paragraph 5 may thereafter use that property for any of its functions or may dispose of that property.

7. Where, under paragraph 3 or 6, any property is disposed of by the Ministry or a district council, any proceeds of such disposal shall be paid to or, as the case may be, retained by the district council in whose district the property is situated.

8. Any district council by which any money is received under paragraph 7 in pursuance of a disposal shall apply that money towards the relief of rates.

#### Article 76.

#### SCHEDULE 13

##### INCIDENTAL, CONSEQUENTIAL, TRANSITIONAL AND SUPPLEMENTARY PROVISIONS

1. An order under Article 76 (1) may include provision—

- (a) for the manner in which it is to be determined whether any assets or liabilities were held, acquired or incurred wholly or mainly for health or welfare purposes as mentioned in Article 75 (1) (d) (ii);
- (b) for the transfer of property to the Ministry where that property has undergone a change of use between 9th March 1972 and 1st April 1973, otherwise than in the ordinary course of business;
- (c) for exempting, either temporarily or otherwise, from the provisions of Article 75 any property, other assets or liabilities, for enabling the Ministry to use any property so exempted or for enabling a body assuming functions of a local authority to continue to use, on such terms and conditions as may be agreed, any property transferred under Article 75;
- (d) for the determination of any question or disputes arising under Article 75 or under an order made under Article 76;
- (e) for such of the assets (other than property) and liabilities specified in the order to be enforceable, notwithstanding Article 75, by or against such Health and Social Services Board as may be specified, the Agency or the Staffs Council;
- (f) for temporary modifications of this Order or for modifying or repealing any other transferred provision passed or made before 1st April 1973 (not including such a provision contained in this Order);
- (g) in connection with the dissolution of the bodies mentioned in Article 74 and the winding-up of their affairs, including provision for securing that anything done by or to such a body should have effect as if done by or to a body established under this Order;
- (h) for the carrying on and completion by or on behalf of the bodies mentioned in Article 74 of anything (including any legal or parliamentary proceeding) commenced by or on behalf of those bodies before 1st April 1973;
- (i) for construing, so far as may be necessary for the purposes of Article 74 or in consequence of an order made under Article 76 (1), references in any transferred provision or in any judgement, decree, order or warrant of any court, or in any award, deed, contract or other document to any of the bodies mentioned in Article 74 as references to any other body;
- (j) for the application, defrayal, apportionment or adjustment of assets, liabilities, income or costs, for the inclusion or exclusion for purposes of such application, defrayal, apportionment or adjustment of any item which the Ministry may think proper to include or exclude, and for the continuance of, or of functions of, any of the bodies mentioned in Article 74 and the continuance in office of any member or officer of that body, as if the body had not been dissolved,

for purposes of such application, defrayal, apportionment or adjustment or for purposes of the making up and audit of accounts and any proceedings in connection therewith or consequent thereupon;

- (k) for dealing with any applications, complaints or representations made to or by any body mentioned in Article 74 which are pending on 1st April 1973;
- (l) for the transfer of persons from lists of the Northern Ireland General Health Services Board to lists of Health and Social Services Boards or the removal of persons from such lists in pursuance of a direction made before 1st April 1973 by the Tribunal within the meaning of the Health Services Act (Northern Ireland) 1971.

2. Where an order makes provision as mentioned in paragraph 1 (f) the order shall be subject to affirmative resolution.

SCHEDULE 14                      Articles 79 (2), 83 (2).

ENDOWMENTS OF CERTAIN HOSPITALS

1. Any endowment to which this Schedule applies shall, notwithstanding anything contained in any enactment or rule of law, be applied and used by the Health and Social Services Board—

- (a) firstly, in the discharge, to the extent to which the endowment could, immediately before 5th July 1948, have been lawfully applied and used for that purpose, of so much of the liabilities transferred to the management committee under section 25 (3), (4) and (7) of the Health Services Act (Northern Ireland) 1948 as may be prescribed;
- (b) secondly, subject to paragraph 2, for such of the purposes to which it could, immediately before 5th July 1948, have been lawfully applied or used as the Health and Social Services Board may think proper.

2. Where the Health and Social Services Board is satisfied that it has become impracticable or unnecessary to apply and use the endowment in accordance with paragraph 1 (b), that Board may, notwithstanding anything contained in the trusts upon which the endowment is held, apply and use the capital or income of the whole or any part of the endowment for such of the purposes connected with the hospital as it may think proper.

SCHEDULES 15                      Articles 42 (2), 98 (2).

CHARGES IN RESPECT OF CERTAIN SERVICES, AND OTHER RELATED MATTERS

1. Regulations made with the approval of the Ministry of Finance may provide—

- (a) for the making and, subject to the provisions of paragraphs 3 and 4, the recovery, in such manner as may be prescribed, of—
  - (i) such charges as may be prescribed in respect of such services provided under this Order as may be prescribed;
  - (ii) charges, other than charges under Article 61 (2) (d) or 62 (2) (e), in respect of the extra expense involved in the supply, at the request of the person supplied, of any appliance or vehicle which is of a more expensive type than that which would normally be supplied, or the replacement or repair of any such appliance, or, as the case may require, the replacement, repair or maintenance of any such vehicle; or
  - (iii) charges, other than charges under Article 61 (2) (d) or 62 (2) (e), in respect of the replacement of any appliance or vehicle supplied, the repair of any appliance supplied or the repair or maintenance of any vehicle supplied, if it is determined in the prescribed manner that the replacement, repair or maintenance, as the case may be, is necessitated by an act or omission of the person supplied or (if it occurred when he was under sixteen years of age) of his or of the person having charge of him when it occurred;
- (b) for the remission or repayment of any such prescribed charge in respect of such persons or classes of persons as may be prescribed;

(c) for the grant, on payment of such sums as may be prescribed, of certificates conferring on the persons to whom the certificates are granted exemption from charges otherwise exigible under the regulations in respect of drugs, medicines and appliances supplied during such period as may be prescribed.

2. Regulations made under paragraph 1 may provide that sums which would otherwise be payable by the Health and Social Services Boards to persons by whom any services are provided are to be reduced by the amount of the charges prescribed in respect of those services.

3. Subject to paragraph 4, any charges under this Order shall, without prejudice to any other method of recovery, be a debt recoverable summarily.

4. Any person entitled to recover charges under this Order may, by agreement with the governing body of any association or fund established for the purpose of providing benefits to members or other beneficiaries thereof, accept from the association or fund, in respect of any charges payable under this Order by or in respect of any member or beneficiary of the association or fund, payment of such sums as may be provided by the agreement in lieu of recovering the whole or any part of such charges from, or from the estate of, such member or beneficiary or from any person liable therefor.

5. If, whether fraudulently or otherwise, any person misrepresents or fails to disclose any material fact and, in consequence of the misrepresentation or failure the Ministry incurs any expenditure under this Order the amount of that expenditure shall be a debt recoverable summarily from that person.

6. If any person, for the purpose of obtaining, either for himself or for another person, any benefit under this Order or for the purpose of avoiding any liability or evading the payment of any charge under this Order or of reducing any such liability or the amount of any such charge,—

(a) knowingly makes any false statement or false representation; or

(b) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular;

he shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £100, or to both, and, whether or not he is convicted of an offence under this Schedule, the charge or, as the case may be, the balance of the charge shall be a debt recoverable summarily by the person by whom the cost of the service in question was defrayed.

7. Notwithstanding any provision in any Act prescribing the period within which summary proceedings may be commenced, proceedings for an offence under paragraph 6 may be commenced at any time within the period of three months from the date on which evidence sufficient to justify a prosecution for the offence came to the knowledge of the Ministry, or within the period of twelve months after the commission of the offence, whichever period last expires.

8. For the purposes of paragraph 7, a certificate of the Ministry as to the date on which such evidence as is referred to in that paragraph came to the knowledge of the Ministry shall be evidence of that date.

9. Without prejudice to any other provision of this Schedule, it shall be lawful for the Ministry to require any person, for whom the Ministry is providing services under this Order as an in-patient in hospital and who is absent during the day from the hospital where he is a patient for the purpose of engaging in employment for which he is remunerated, to pay such part of the cost of his maintenance in the hospital, and any costs incidental thereto, as may seem to the Ministry to be reasonable having regard to the amount of the remuneration, and the provisions of this Schedule with respect to the recovery of charges shall apply to the recovery of any payment so required.

10. Nothing in Article 98 (1) shall operate to restrict the making of provision under this Schedule for the making and recovery of charges or payments in respect of any accommodation or services provided under this Order.

SCHEDULE 16 Articles 73 (1), 109 (1).

AMENDMENTS OF TRANSFERRED PROVISIONS

PART I

AMENDMENTS PURSUANT TO ARTICLE 73 (1)

*The Adoption Act (Northern Ireland) 1967 (c. 35)*

1. For any reference to a welfare authority there shall be substituted a reference to the Ministry of Home Affairs.

*The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)*

2. For any reference to a welfare authority there shall be substituted a reference to the Ministry of Home Affairs.

3. In section 19 (1) (c) for the words "Health Services Acts (Northern Ireland) 1948 to 1967" there shall be substituted the words "Health and Personal Social Services (Northern Ireland) Order 1972".

4. In section 20 (2) (a) for the words from "Health Services" to "1954" there shall be substituted the words "Health and Personal Social Services (Northern Ireland) Order 1972".

5. In section 120 (1) for the words "in their area any" there shall be substituted the word "a".

6. In section 131 (1) for the words "in their area any" there shall be substituted the word "a".

7. For section 138 there shall be substituted the following section—

"Provision of training schools by the Ministry. 138.—(1) The Ministry may provide training schools, and the Ministry may make arrangements with other bodies or persons for the provision of such schools.

(2) In the event of a deficiency of training school accommodation, the Ministry shall take appropriate steps under this section to remedy the deficiency."

8. For section 147 there shall be substituted the following sections—

"Acquisition of land. 147.—(1) For the purposes of this Act the Ministry may acquire land by agreement or compulsorily.

(2) Where the Ministry desires to acquire land compulsorily the provisions of Article 48 of and Schedule 7 to the Health and Personal Social Services (Northern Ireland) Order 1972 with respect to the acquisition of land shall apply as if any reference to the Ministry within the meaning of that Order were a reference to the Ministry and as if any reference to that Order were a reference to this Act.

Power to enter on lands.

147A. Article 49 of the Health and Personal Social Services (Northern Ireland) Order 1972 shall apply for the purposes of this Act as if any reference to the Ministry within the meaning of that Order were a reference to the Ministry and as if any reference to that Order were a reference to this Act."

9. For section 155 (4) and (5) there shall be substituted the following subsection—

"(4) Where a person has been received into the care of the Ministry under section 103 or a child or young person has been committed to the care of the

Ministry as a fit person or ordered to be sent to a training school, contributions under this section shall be payable to the Ministry.”.

10. In section 156 (4) for the words “by the fit person or by the council of the county or county borough” there shall be substituted the words “or by the fit person”.

11. For section 167 there shall be substituted the following section—

“Inquiries and investigations. 167. The Ministry may cause an inquiry to be held or an investigation to be made in any case where it appears to the Ministry advisable to do so in connection with any matter arising under this Act or the Adoption Act (Northern Ireland) 1967.”.

12. For section 168 there shall be substituted the following section—

“Power of inspection. 168.—(1) A person authorised by the Ministry may, on production if required of his credentials, at any reasonable time enter any premises in which a child is maintained under this Act and—

(a) inspect the premises; and

(b) make such examination into the state and management thereof and the condition and treatment of children therein as he thinks requisite.

(2) If any person wilfully obstructs a person authorised as mentioned in subsection (1) in the execution of his duties under this section he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

(3) A refusal to allow a person authorised as mentioned in subsection (1) to enter the premises shall, for the purposes of section 32, be deemed to be a reasonable cause to suspect that a child or young person in the premises is being neglected in a manner likely to cause him unnecessary suffering or injury to health.”.

13. In Schedule 3—

(a) in paragraph 9 (a) for the words from “Health Services” to “Authority” there shall be substituted the words “Health and Personal Social Services (Northern Ireland) Order 1972 approved by the Ministry of Health and Social Services”;

(b) in paragraph 10, for any reference to the Northern Ireland Hospitals Authority there shall be substituted a reference to the Ministry of Health and Social Services.

## PART II

### OTHER AMENDMENTS

#### *The Notification of Births Act 1907 (c. 40)*

14. In section 1—

(a) for the words “any local authority” there shall be substituted the words “a Health and Social Services Board”;

(b) in paragraph (1) for the words “medical officer of health of the district” there shall be substituted the words “chief administrative medical officer of the Health and Social Services Board for the area”;

(c) in paragraph (2) for the words “medical officer of health” there shall be substituted the words “chief administrative medical officer of the Health and Social Services Board”; for the words “the medical” in the second place where they occur there shall be substituted the word “that”; and for the words from “and the local authority” to the end of the paragraph there shall be substituted the words “and the Health and Social Services Board shall supply without charge prepaid addressed envelopes together with forms of notice to any medical practitioner or midwife residing or practising in its area, who applies for the same”;



- (d) in paragraph (4) for the words “medical officer of health” there shall be substituted the words “chief administrative medical officer of the Health and Social Services Board”.

15. For section 2 there shall be substituted the following section—

“Definition of Health and Social Services Board. 2. In this Act “Health and Social Services Board” means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972.”.

*The Probation Act (Northern Ireland) 1950 (c. 7)*

16. In section 2 (2) (a) for the words “Health Services Act (Northern Ireland) 1948” there shall be substituted the words “Health and Personal Social Services (Northern Ireland) Order 1972” and for the words “Northern Ireland Hospitals Authority” there shall be substituted the words “Ministry of Health and Social Services”.

*The Interpretation Act (Northern Ireland) 1954 (c. 33)*

17. In section 23—

- (a) for the words “section sixty-five of, and the Seventh Schedule to, the Health Services Act (Northern Ireland) 1948” there shall be substituted the words “Article 54 of, and Schedule 8 to, the Health and Personal Social Services (Northern Ireland) Order 1972”;
- (b) in paragraphs (a) and (b) for the words “Seventh Schedule” in both places where they occur there shall be substituted the words “Schedule 8”.

*The Medical Act 1956 (c. 76)*

18. In section 16—

- (a) in subsection (1) for the words “section seventeen of the Health Services Act (Northern Ireland) 1948” there shall be substituted the words “Article 5 of the Health and Personal Social Services (Northern Ireland) Order 1972”;
- (b) in subsection (2) (a) for the words “Part II of the said Act of 1948” there shall be substituted the words “Part VI of the said Order of 1972”;
- (c) in subsection (2) (b) for the words from “or such” to the end of the subsection there shall be substituted the words “or the services of specialists or other services provided for out-patients in a health centre provided under Article 5 of the said Order of 1972.”.

*The House of Commons Disqualification Act 1957 (c. 20)*

19. In the Part substituted by section 10 and Schedule 3 for Part III of Schedule 1 (which substituted Part lists offices the holders of which are disqualified for membership of the Senate and of the House of Commons of Northern Ireland) the following entries shall be inserted at the appropriate points in alphabetical order:—

Paid chairman or other paid member of a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972.

Paid chairman or other paid member of the Northern Ireland Central Services Agency for the Health and Social Services.

Paid chairman or other paid member of the Northern Ireland Staffs Council for the Health and Social Services.

*The Dentists Act 1957 (c. 28)*

20. In section 42 (4)—

- (a) in paragraph (a) for the words “or Part III of the Health Services Act (Northern Ireland) 1948” there shall be substituted the words “or of services

under Article 5 of the Health and Personal Social Services (Northern Ireland) Order 1972”;

- (b) in paragraph (b) for the words “section seventeen of the Health Services Act (Northern Ireland) 1948” there shall be substituted the words “Article 5 of the Health and Personal Social Services (Northern Ireland) Order 1972”;
- (c) in paragraph (c) for the words “section thirty-eight of the Health Services Act (Northern Ireland) 1948” there shall be substituted the words “Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1972”;
- (d) in paragraph (d) for the words from “section forty-two” to the end of the paragraph there shall be substituted the words “Article 9 of the Health and Personal Social Services (Northern Ireland) Order 1972”.

*The Diseases of Animals Act (Northern Ireland) 1958 (c. 13)*

21. In section 4 (5) for the words “health authority” there shall be substituted the words “Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972”.

*The Food and Drugs Act (Northern Ireland) 1958 (c. 27)*

22. In section 28—

- (a) for any reference to a medical officer there shall be substituted a reference to a chief administrative medical officer and for any reference to a health authority there shall be substituted a reference to a Health and Social Services Board;
- (b) in subsection (6) for the definition of “medical officer” there shall be substituted the following definition—
  - “Health and Social Services Board”, means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972.

*The Opticians Act 1958 (c. 32)*

23. In section 21 (2) (b) for the words “Part II or Part III of the Health Services Act (Northern Ireland) 1948” there shall be substituted the words “the Health and Personal Social Services (Northern Ireland) Order 1972”.

*The Mental Health Act (Northern Ireland) 1961 (c. 15)*

24. In section 1—

- (a) in subsection (1) for the words from “and regulations made thereunder” there shall be substituted the words, “the Health and Personal Social Services (Northern Ireland) Order 1972 and regulations made under this Act and that Order,”;
- (b) in subsection (2) for the words from “Services Acts” where they first occur to the end of the subsection there shall be substituted the words “and Personal Social Services (Northern Ireland) Order 1972.”.

25. In section 2 (2) from the beginning to the word “provide” in paragraph (a) there shall be substituted the words—

“A Health and Social Services Board may—  
(a) provide”.

26. In section 8—

- (a) in subsection (1) (b) for the words “health authority or a welfare authority” there shall be substituted the words “a Health and Social Services Board”;
- (b) in subsection (1) for the words from “it shall be the duty” to the end of the subsection there shall be substituted the words—
  - “(i) where the person has attained the age of two years but has not attained the upper limit of compulsory school age, the medical practitioner or, as the case may be, that Board shall forthwith notify the education and library board for the area in which the person is ordinarily resident,

- (ii) in any other case—
    - (aa) the medical practitioner shall notify, in the prescribed form, that Board;
    - (bb) that Board shall proceed under section 9 to ascertain if the person requires special care.”;
  - (c) in subsection (2) for the words from “a local education” to “they” there shall be substituted the words “an Education and Library Board or a Health and Social Services Board receives a notification under subsection (1), it”;
  - and for the words “age of sixteen years” in both places where they occur there shall be substituted the words “upper limit of compulsory school age”;
  - (d) after subsection (2) there shall be added the following subsection—
    - “(3) In this section “Education and Library Board” has the same meaning as in the Education and Libraries (Northern Ireland) Order 1972.”.
27. In section 9—
- (a) for any reference to a special care management committee there shall be substituted a reference to a Health and Social Services Board;
  - (b) for the words “age of sixteen years” in the three places where they occur there shall be substituted the words “upper limit of compulsory school age”.
28. In section 10—
- (a) for any reference to the Authority there shall be substituted a reference to the Ministry;
  - (b) for any reference to a special care management committee there shall be substituted a reference to a Health and Social Services Board;
  - (c) for subsection (5) there shall be substituted the following subsection—
    - “(5) For the purposes of this section “parent” has the same meaning as in the Education and Libraries (Northern Ireland) Order 1972.”.
29. In section 11—
- (a) in subsection (2) (c) for the words “special care management committee” there shall be substituted the words “Health and Social Services Board”;
  - (b) in subsection (2) (e) for the word “Authority” there shall be substituted the word “Ministry”.
30. In section 13—
- (a) for any reference to a welfare officer there shall be substituted a reference to a social worker;
  - (b) for the words “management committee of” there shall be substituted the words “Health and Social Services Board administering”;
  - (c) for the words “welfare authority” there shall be substituted the words “Health and Social Services Board”.
31. In section 15—
- (a) in subsection (1) for the words “a welfare officer” there shall be substituted the words “a social worker”;
  - (b) in subsection (3) for the words “management committee of” there shall be substituted the words “Health and Social Services Board administering”.
32. In sections 16, 17 and 18 for any reference to a management committee there shall be substituted a reference to a Health and Social Services Board.
33. In section 19—
- (a) in subsection (1) for the words “the Authority” there shall be substituted the words “the Ministry”; and for the words “management committee of” there shall be substituted the words “Health and Social Services Board administering”;

- (b) in subsection (2) for the words “management committee” there shall be substituted the words “Health and Social Services Board”.
34. In section 20—
- (a) in subsections (1) and (2) for the words “management committee of” there shall be substituted the words “Health and Social Services Board administering”;
- (b) in subsection (2) for the word “they” there shall be substituted the word “it”;
- (c) in subsection (2) (a) for the words “management committee” there shall be substituted the words “Health and Social Services Board”.
35. In section 21—
- (a) in subsection (5) for the words “a local authority, a management committee”, and the words “a management committee” there shall be substituted the words “a Health and Social Services Board” and for the words “the management committee” there shall be substituted the words “the Board”;
- (b) for subsection (6) there shall be substituted the following subsection—
- “(6) Where a person named as guardian in a guardianship application is not a Health and Social Services Board, that application shall be forwarded to the Health and Social Services Board for the area in which that person is ordinarily resident.”;
- (c) in subsection (7) for the words “the management committee” there shall be substituted the words “a Health and Social Services Board”;
- (d) in subsection (9) (a) for the words “management committee of” there shall be substituted the words “Health and Social Services Board administering”.
36. In sections 22, 23 and 24 for any reference to a management committee there shall be substituted a reference to a Health and Social Services Board.
37. In section 25—
- (a) for the words “management committee” there shall be substituted the words “Health and Social Services Board”;
- (b) at the end there shall be added the words—
- “the European Commission of Human Rights.”.
38. In section 27 for the words “management committee” there shall be substituted the words “Health and Social Services Board”.
39. In section 28—
- (a) in subsection (1) for the words “management committee of” there shall be substituted the words “Health and Social Services Board administering”;
- (b) in subsection (2) for the words “management committee” there shall be substituted the words “Health and Social Services Board”.
40. In section 29 (3) for the words “the Authority” there shall be substituted the words “a Health and Social Services Board” and for the words “the management committee of” there shall be substituted the words “the Health and Social Services Board administering”.
41. In section 30—
- (a) in subsection (1) for the words from “welfare officer” to the end of the subsection there shall be substituted the words “constable or by any person authorised in writing by the Health and Social Services Board administering the hospital.”;
- (b) in subsection (2) for the words from “by any officer” to the end of the subsection there shall be substituted the words “by any constable or by any person authorised in writing by the guardian or by a Health and Social Services Board.”.

42. In sections 31, 32 and 35 for any reference to the Authority or a management committee there shall be substituted a reference to a Health and Social Services Board.

43. In section 36—

(a) in subsection (1) for the words “management committee of” there shall be substituted the words “Health and Social Services Board administering” and for the words “the management committee” there shall be substituted the words “that Board”;

(b) in subsection (3) for the words “the management committee” there shall be substituted the words “the Health and Social Services Board”.

44. In section 38 for any reference to a welfare authority there shall be substituted a reference to the Ministry of Home Affairs.

45. In sections 40, 41 and 43 for any reference to a management committee or a welfare authority there shall be substituted a reference to a Health and Social Services Board.

46. In sections 41, 42 and 43 for any reference to a welfare officer there shall be substituted a reference to a social worker.

47. In section 47—

(a) in subsection (1) for the words from “by either” to the end of the subsection there shall be substituted the words “by the responsible Health and Social Services Board.”;

(b) for subsection (2) there shall be substituted the following subsection—

“(2) In relation to a patient who is subject to guardianship, any reference in this Part to the responsible Health and Social Services Board is a reference—

(a) where the patient is subject to the guardianship of a Health and Social Services Board, to that Board;

(b) where the patient is subject to the guardianship of any person other than a Health and Social Services Board, to the Health and Social Services Board for the area in which that person ordinarily resides.”;

(c) in subsection (3) for the words “management committee” where they first occur there shall be substituted the words “Health and Social Services Board” and for the words “management committee of” there shall be substituted the words “Health and Social Services Board administering”.

48. In section 48 (1) for the words “the Authority” there shall be substituted the words “the Ministry” and for the words “a management committee” in both places where they occur there shall be substituted the words “a Health and Social Services Board”.

49. In section 51—

(a) in subsections (1) and (2) for the words “the Authority” there shall be substituted the words “the Ministry” and for the words “management committee of” there shall be substituted the words “Health and Social Services Board administering”;

(b) in subsection (2) (a) for the words “a welfare officer” there shall be substituted the words “a social worker”;

(c) in subsection (3) for the word “committee” there shall be substituted the word “Board”.

50. In sections 54 (3) (a), 62 (2) (a) and 64 (1) for the words “the Authority” there shall be substituted the words “the Ministry”.

51. In section 65 for any reference to a management committee there shall be substituted a reference to a Health and Social Services Board.

52. In section 66 (1) for the words “the management committee of which are” there shall be substituted the words “of which the administering Health and Social Services Board is”.

53. In sections 73 and 74 for any references to a welfare authority or a management committee there shall be substituted a reference to a Health and Social Services Board.

54. In section 87—

(a) in subsection (1) for the words from the beginning to “authority to” there shall be substituted the words “A Health and Social Services Board and a person carrying on a private hospital”;

(b) in subsection (2) for the words from the beginning to “committee to” there shall be substituted the words “A Health and Social Services Board shall”.

55. In section 92 (1) for the words “The Authority” there shall be substituted the words “A Health and Social Services Board”; for the words “the Authority think” there shall be substituted the words “that Board thinks” and for the words “the Authority” in the third place where they occur there shall be substituted the words “the Board”.

56. In section 100 (1) for the words “the management committee of” there shall be substituted the words “the Health and Social Services Board administering”.

57. In section 105—

(a) for the words “a welfare officer, an officer of the Authority authorised in that behalf” in both places where they occur there shall be substituted the words “an officer of a Health and Social Services Board”;

(b) in subsection (6) for the words “the management committee of which are” there shall be substituted the words “of which the administering Health and Social Services Board is”.

58. In sections 106 (2) and 108 (1) (a) for the words “welfare officer” there shall be substituted the words “social worker”.

59. In sections 109 and 110 (2) (b) for the words “management committee of” there shall be substituted the words “Health and Social Services Board administering”.

60. In section 110 for any reference to the Authority there shall be substituted a reference to the Ministry.

61. In section 113 (1) there shall be inserted the following definitions—

“compulsory school age” has the same meaning as in the Education and Libraries (Northern Ireland) Order 1972;

“Health and Social Services Board” means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972;

“social worker” means an officer of a Health and Social Services Board designated by it, with the approval of the Ministry, to act as social worker for the purposes of this Act;”.

62. In Schedule 2—

(a) in the entry relating to section 31 for any reference to the Authority there shall be substituted a reference to the Ministry;

(b) in the entry relating to section 38 for the words “welfare authority” there shall be substituted the words “the Ministry of Home Affairs”.

63. In Schedule 5—

(a) in paragraph 4 for the words “welfare officer” there shall be substituted the words “social worker”;

(b) in paragraph 8 for the words "welfare officer" there shall be substituted the words "social worker".

64. In Schedule 6 the amendments made by paragraph 16 of this Schedule to section 2 (2) (a) of the Probation Act (Northern Ireland) 1950.

*The Factories Act (Northern Ireland) 1965 (c. 20)*

65. In section 9 (2) for the words "of health" there shall be substituted the words "of the Health and Social Services Board for the area".

66. In section 116 (9) for the words "local education authority within the meaning of the Education Act (Northern Ireland) 1947" there shall be substituted the words "Health and Social Services Board".

67. In sections 131, 132 and 134 for any reference to a health authority there shall be substituted a reference to a Health and Social Services Board and for any reference to a medical officer of health there shall be substituted a reference to a chief administrative medical officer of the Health and Social Services Board.

68. In section 151 (7) for the words "medical officer of health for the county or county borough" there shall be substituted the words "chief administrative medical officer of the Health and Social Services Board for the area" and for the words "county or county borough" in the second place where they occur there shall be substituted the word "Board".

69. In section 153 (4) after the words "this Act," in the first place where they occur there shall be inserted the words "the chief administrative medical officer of the Health and Social Services Board," and after the words "except by" there shall be inserted the words "the chief administrative medical officer or".

70. In section 176 (1) there shall be added the following definition—

"Health and Social Services Board" means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972;.

*The Supplementary Benefits &c. Act (Northern Ireland) 1966 (c. 28)*

71. In section 2 (2) for the words "local authority" there shall be substituted the words "Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972" and for the word "authority" there shall be substituted the word "Board".

72. In section 5 (1) (a) for the words "the Health Services Acts (Northern Ireland) 1948 to 1963" there shall be substituted the words "the Health and Personal Social Services (Northern Ireland) Order 1972"; and for the words "section 76 of the Health Services Act (Northern Ireland) 1948" there shall be substituted the words "Schedule 15 to that Order".

73. In section 15 for the words "section 5 of the Welfare Services Act (Northern Ireland) 1949" there shall be substituted the words "Article 99 of the Health and Personal Social Services (Northern Ireland) Order 1972" and for the words "welfare authority concerned" there shall be substituted the word "Ministry".

74. In Schedule 2, in Part II, in paragraph 15 for the words "welfare authority" there shall be substituted the word "residential"; for the words "Welfare Services Act (Northern Ireland) 1949" there shall be substituted the words "Articles 15 and 36 of the Health and Personal Social Services (Northern Ireland) Order 1972" and for the words "section 5 (3) of that Act" there shall be substituted the words "Article 99 (2) of that Order".

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

75. In Part I—

(a) for any reference to a medical officer of health for any area there shall be sub-

stituted a reference to the chief administrative medical officer of the Health and Social Services Board for any area;

(b) for any reference to a health authority there shall be substituted a reference to a Health and Social Services Board; and

(c) for any reference to a medical officer of health there shall be substituted a reference to the chief administrative medical officer of a Health and Social Services Board.

76. In section 22, after subsection (2) there shall be added the following subsection—

“(2A) An authorised officer entering any premises by virtue of this section may take with him such other person as may be necessary.”.

77. In section 32—

(a) for the definition of “authorised officer” there shall be substituted the following definition—

““authorised officer” means the chief administrative medical officer of, or any other officer authorised by, a Health and Social Services Board;”;

(b) there shall be added the following definition—

““Health and Social Services Board” means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972;”.

*The Medicines Act 1968 (c. 67)*

78. In section 55 (2) (b) for the words “by a health authority” there shall be substituted the words “by the Ministry of Health and Social Services”.

79. In section 131 (5) for the words “Health Services Acts (Northern Ireland) 1948 to 1967” there shall be substituted the words “Health and Personal Social Services (Northern Ireland) Order 1972”.

80. In section 132 (1) in the definition of “health centre” for the words “section 17 of the Health Services Act (Northern Ireland) 1948” there shall be substituted the words “Article 5 of the Health and Personal Social Services (Northern Ireland) Order 1972”.

*The Parliamentary Commissioner Act (Northern Ireland) 1969 (c. 10)*

81. In Schedule 2, in paragraph 5 for the words from “the Northern Ireland” to the end of the paragraph there shall be substituted the words “a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972, the Northern Ireland Central Services Agency for the Health and Social Services or the Northern Ireland Staffs Council for the Health and Social Services.”.

*The Commissioner for Complaints Act (Northern Ireland) 1969 (c. 25)*

82. In Part II of Schedule 1 (public bodies subject to investigation) the following entries shall be inserted at the appropriate points in alphabetical order—

A Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972.

The Northern Ireland Central Services Agency for the Health and Social Services.

The Northern Ireland Staffs Council for the Health and Social Services.

*The Road Traffic Act (Northern Ireland) 1970 (c. 2)*

83. In section 84 (1) for the words “management committee of” there shall be substituted the words “Health and Social Services Board administering”.

*The Nurses and Midwives Act (Northern Ireland) 1970 (c. 11)*

84. In section 6 for the words from “the Authority” to “welfare committees” there shall be substituted the words “Health and Social Services Boards”.



85. In section 8 for the words "The Authority" there shall be substituted the words "The Health and Social Services Board in whose area a training school is situated".

86. In section 9 for the words "the Authority and the management committees" in both places where they occur there shall be substituted the words "the Health and Social Services Boards".

87. In section 16 (1) for the words "The Authority" there shall be substituted the words "The Health and Social Services Boards".

88. In section 29 (2) (b) for the words "maintained by the Authority" there shall be substituted the words "vested in the Ministry".

89. In section 33 (2) for the words "health authority" there shall be substituted the words "Health and Social Services Board" and for the words "section 38 of the Health Services Act (Northern Ireland) 1948" there shall be substituted the words "Article 56 of the Health and Personal Social Services (Northern Ireland) Order 1972".

90. In sections 34, 35, 36, 37, 38 and 39 for any reference to a health authority there shall be substituted a reference to a Health and Social Services Board.

91. For section 40 there shall be substituted the following section—  
"Report of Health and Social Services Board. 40. Every Health and Social Services Board shall—  
(a) prepare a report annually on the administration of this Part within its area; and  
(b) send one copy of the report to the Council and one copy to the Ministry."

92. In sections 41 and 43 for any reference to a health authority there shall be substituted a reference to a Health and Social Services Board.

93. In section 54 (1) there shall be added the following definition—  
"Health and Social Services Board" means a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972;".

94. In Schedule 1—  
(a) in paragraph 2 (c) for the words from "the Authority" to the end of the sub-paragraph there shall be substituted the words "Health and Social Services Boards.";  
(b) after paragraph 10 there shall be inserted the following paragraph —

*"Restrictions affecting members"*

10A. In Part II of Schedule 1 to the Commissioner for Complaints Act (Northern Ireland) 1969 (public bodies subject to investigation) the following entry shall be inserted at the appropriate point in alphabetical order:—

The Northern Ireland Council for Nurses and Midwives.";

(c) in paragraph 13 for the words "the Authority" in the first place where they occur there shall be substituted the words "a Health and Social Services Board".

95. In Schedule 2, in paragraph 1—  
(a) in sub-paragraph (b) for the words "Director of Education of" there shall be substituted the words "chief education officer of the education and library board for";  
(b) in sub-paragraph (c) for the words "Authority or the health authority or both" there shall be substituted the words "Health and Social Services Board or Boards providing facilities for the school";  
(c) for sub-paragraph (c) (i) there shall be substituted the following sub-head—

“(i) an administrative officer of a Health and Social Services Board providing facilities for the school;”;

(d) in sub-paragraph (c) (iii), for the words “any management committees or health committees in the area” there shall be substituted the words “the Health and Social Services Board or Boards”;

(e) in sub-paragraph (c) (iv), for the words “health authority nurses or midwives” there shall be substituted the words “nurses or midwives employed or to be employed otherwise than in hospital;”.

*The Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971 (c. 32)*

96. In sections 1, 2, 4 and 5, for any reference to the health authority there shall be substituted a reference to the Health and Social Services Board.

97. In section 5 (5) for the word “secretary” there shall be substituted the words “chief administrative officer”.

98. In section 6—

(a) in subsection (1) (a) for the words “the health authority” there shall be substituted the words “the Health and Social Services Boards”;

(b) in subsection (2) for the words “health authorities” there shall be substituted the words “Health and Social Services Boards”.

99. In section 7 for the words from “and, subject to” to “health authority” in the second place where they occur there shall be substituted the words “and any medical officer, qualified nurse or other officer of the Health and Social Services Board duly authorised by the Board”.

100. In section 10 (1) there shall be added the following definition—

“Health and Social Services Board” means the appropriate Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972;’.

Article 109 (2).

SCHEDULE 17

SAVING, TEMPORARY AND TRANSITIONAL PROVISIONS

*Exempted hospitals*

1.—(1) The repeal by this Order of paragraph 2 (1) of Schedule 11 to the Health Services Act (Northern Ireland) 1971 shall not, except to such extent as may be provided for under sub-paragraph (2) of this paragraph, affect the status, as an exempted hospital, of any hospital in respect of which an order was made under section 23 (8) of the Health Services Act (Northern Ireland) 1948.

(2) Notwithstanding the repeal by this Order of paragraph 2 (2) of Schedule 11 to that Act of 1971, arrangements may be made with the governing body of the hospital to which an order under section 23 (8) of that Act of 1948 related for the hospital to be treated as a hospital for the purposes of all or any of the provisions of this Order.

*Recovery of certain loans*

2. The repeal by this Order of paragraph 2 of Schedule 11 to the Health Services Act (Northern Ireland) 1971 shall not affect the liability of any person to repay any amount due, or which may become due, under a loan made under section 6 of the Health Services Act (Northern Ireland) 1958 (a), or affect the terms and conditions of a loan so made.

*Saving for allowances, pensions, gratuities and compensation*

3. The repeal of any enactment by this Order or by any enactment repealed by this Order shall not affect any allowances, pension or gratuity granted under, or any right to compensation accrued or accruing by virtue of, any such enactment before the repeal of that enactment became effective.

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(a) 1958 c. 29 (N.I.).

*Special provisions as to certain property*

4. The Belfast City Council may exercise the power conferred on the Lord Mayor, Aldermen and Citizens of the City of Belfast by section 24 (1) of and Schedule 3 to, the Health Services Act (Northern Ireland) 1948 and may do so notwithstanding the repeal of section 75 of the Health Services Act (Northern Ireland) 1971.

*Temporary provision as to compensation*

5.—(1) Where—

- (a) in accordance with any enactment mentioned in sub-paragraph (4), compensation has been awarded to any officer in respect of his removal from or relinquishment of office;
- (b) that officer subsequently becomes entitled (whether by virtue of any enactment or otherwise) to a superannuation allowance in respect of any office which he has accepted after the date of such removal or relinquishment; and
- (c) in the calculation of the amount of such allowance, account has been taken of any period of service in respect of which such compensation is payable;

then, except as provided in sub-paragraph (3), such compensation—

- (i) shall cease to be payable if it does not exceed such part of the superannuation allowance as is attributable solely to that period of service;
- (ii) shall, if it exceeds such part so attributable, be reduced by an amount equal to that part.

(2) If a person receiving compensation under any enactment mentioned in sub-paragraph (4)—

- (a) obtains any office under any local or public body; or
- (b) receives, by virtue of this Order or of anything done in pursuance of this Order, any increase in the remuneration of the office held by him at the date at which the compensation was assessed;

then, except as provided in sub-paragraph (3), he shall not, so long as he holds that office or receives that increased remuneration, be entitled to receive, by way of compensation in respect of the office for which compensation is awarded, any greater sum than would make up the amount (if any) by which the remuneration which he is receiving falls short of the remuneration of the office in respect of which compensation was awarded.

(3) The Ministry may, on the application of the person concerned or of the body by which the compensation is payable, direct that the operation of sub-paragraph (1) or, as the case may be, sub-paragraph (2), in relation to that person, shall be modified so far as is, in the opinion of the Ministry, necessary in order equitably to meet the circumstances of the case.

(4) The enactments referred to in sub-paragraphs (1) (a) and (2) are—

- (a) Schedule 3 to the Public Health (Tuberculosis) Act (Northern Ireland) 1946 (a), both as originally enacted and as applied by section 2 of the Health Services Act (Northern Ireland) 1958; and
- (b) Schedule 6 to the Health Services Act (Northern Ireland) 1948.

(5) If a person receiving compensation under Schedule 4 to the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946—

- (a) obtains any office under the Crown or under any local or other public authority; or
- (b) receives, by virtue of this Order or of anything done in pursuance of or in consequence of this Order, any increase of the emoluments of that office held by him;

then he shall not, while receiving the emoluments of that office, receive any greater amount of compensation (if any) than with the emoluments of the said office, is equal

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(a) 1946 c. 6 (N.I.).

to the emoluments for which compensation was granted to him, and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds that office.

(6) In this paragraph—

- (a) in sub-paragraph (2) (a), “local or public body” includes any authority or body specified in paragraph 1 of Schedule 1 to the Government Loans Act (Northern Ireland) 1957 (a) as an authority or body to whom government loans may be made by the Ministry of Finance under section 2 of that Act;
- (b) in sub-paragraph (5), “local authority” and “emoluments” have the same meanings as in section 29 of, and paragraph 17 of Schedule 4 to, the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946 and “local authority” also includes a district council or a joint committee of district councils.

*Saving for certain amendments made in the Matrimonial Causes Act (Northern Ireland) 1939*

6. The repeal by this Order of paragraph 7 of Schedule 11 to the Health Services Act (Northern Ireland) 1971 shall not affect the amendments made in the Matrimonial Causes Act (Northern Ireland) 1939 (b) by section 75 of the Mental Health Act (Northern Ireland) 1948 (c).

*Saving for powers of Ministry of Development to dispose of former workhouse property*

7.—(1) The repeal of paragraph 1 of Schedule 3 to the Welfare Services Act (Northern Ireland) 1971 shall not affect any power of the Ministry of Development to dispose of, in accordance with the provisions of section 3 of the Welfare Services Act (Northern Ireland) 1949, any former workhouse property still held by that Ministry at the commencement of this Order.

(2) In this paragraph, “former workhouse property” means any land (not being property which was subject to the provisions of section 23 (2) or (3A) of the Health Services Act (Northern Ireland) 1948) which was, immediately before the 20th January 1949, held by the Ministry of Health and Local Government under any of the provisions of the Poor Relief Acts (Northern Ireland) 1838 to 1937.

*Care of patients under Part III of Mental Health Act*

8. Where immediately before 1st April 1973 a hospital order or a guardianship order made under Part III of the Mental Health Act is in force by virtue of which a person is committed to the care of the Northern Ireland Hospitals Authority or the guardianship of a management committee the order shall have effect on and after 1st April 1973 as if it committed him to the care of the Ministry or, as the case may be, the guardianship of a Health and Social Services Board.

*Children in care*

9.—(1) Where immediately before 1st April 1973—

- (a) a parental rights order made under Part VI of the Children and Young Persons Act (Northern Ireland) 1968 is in force by virtue of which the rights and powers of a child’s parents are vested in the welfare authority; or
- (b) an order made under the said Act of 1968 is in force by virtue of which a child or young person is committed to the care of a welfare authority as being a fit person;

the order shall have effect on and after 1st April 1973 as if it vested those rights and powers in, or, as the case may be, committed him to the care of, the Ministry of Home Affairs.

(2) Where under section 103 of the said Act of 1968 a child was received into the care of a welfare authority before 1st April 1973 and is in their care immediately

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(a) 1957 c. 10 (N.I.).

(b) 1939 c. 13 (N.I.).

(c) 1948 c. 17 (N.I.).

before that date he shall on and after that date be deemed to have been received into the care of the Ministry of Home Affairs.

*Saving for sections 28 and 29 of the Interpretation Act  
(Northern Ireland) 1954*

10. Nothing in this Order shall affect the provisions of sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954 (effect of repeals and of substituting provisions).

SCHEDULE 18

Article 109 (3).

REPEALS

Chapter	Short Title	Extent of Repeal
1 & 2 Vict. c. 56	The Poor Relief (Ireland) Act 1838.	Section 47.
10 & 11 Vict. c. 31	The Poor Relief (Ireland) Act 1847.	The whole Act.
10 & 11 Vict. c. 90	The Poor Relief (Ireland) (No. 2) Act 1847.	Section 7.
12 & 13 Vict. c. 104	The Poor Relief (Ireland) Act 1849.	Section 2.
14 & 15 Vict. c. 68	The Poor Relief (Ireland) Act 1851.	The whole Act.
41 & 42 Vict. c. 52	The Public Health (Ireland) Act 1878.	Sections 87 to 99.
41 & 42 Vict. c. 60	The Poor Afflicted Persons Relief (Ireland) Act 1878.	The whole Act.
42 & 43 Vict. c. 19	The Habitual Drunkards Act 1879.	The whole Act.
42 & 43 Vict. c. 57	The Public Health (Ireland) Amendment Act 1879.	Section 4.
51 & 52 Vict. c. 19	The Inebriates Act 1888.	The whole Act.
53 & 54 Vict. c. 59	The Public Health Acts Amendment Act 1890.	Section 32.
53 & 54 Vict. c. 70	The Housing of the Working Classes Act 1890.	Sections 61, 62 and 64 and Schedule 6.
61 & 62 Vict. c. 60	The Inebriates Act 1898.	The whole Act.
62 & 63 Vict. c. 35	The Inebriates Act 1899.	The whole Act.
7 Edw. 7 c. 40	The Notification of Births Act 1907.	In section 1, in paragraph (2) the words "or residence" wherever they occur; paragraph (6).

Chapter	Short Title	Extent of Repeal
7 Edw. 7 c. 53	The Public Health Acts Amendment Act 1907.	Part V.
8 Edw. 7 c. 24	The Summary Jurisdiction (Ireland) Act 1908.	In section 1 the words "as defined by section three of the Habitual Drunkards Act 1879,". In section 2 the words "as defined by section three of the Habitual Drunkards Act 1879,". Section 9 (3).
5 & 6 Geo. 5 c. 64	The Notification of Births (Extension) Act 1915.	The whole Act.
1945 c. 9	The Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945.	In section 26 (2) the words "one person appointed by the Northern Ireland Hospitals Authority".
1946 c. 19	The Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946.	The whole Act except sections 25A, 29 and 30 (1). Section 29 except the definition of "Ministry".
1955 c. 31	The Pharmacy and Poisons Act (Northern Ireland) 1955.	In section 1 (1) the words repealed in section 26 (2) of the Medicines, Pharmacy and Poisons Act (Northern Ireland) 1945 above.
1956 c. 4	The Malone and Whiteabbey Training Schools Act (Northern Ireland) 1956.	Section 5 (2) and (3). In Schedule 1, in paragraph 1 (2), sub-paragraph (a).
1960 c. 4	The Disabled Persons (Employment) Act (Northern Ireland) 1960.	Section 3. In section 6 the definition of "local authority". The Schedule.
1961 c. 15	The Mental Health Act (Northern Ireland) 1961.	In section 1 (1); paragraph (c). In section 2, subsection (1), in subsection (2), in paragraph (a) the words "in the opinion of the Authority"; in paragraph (b) the words "if they think fit". Sections 3, 4, 5. In section 9, in subsection (1) the words "by the Authority" where they twice occur.

Chapter	Short Title	Extent of Repeal
1961 c. 15	The Mental Health Act (Northern Ireland) 1961.—(cont.)	<p>Section 11A.</p> <p>In section 21, in subsection (4) (b) the words “by the Authority”.</p> <p>Section 35 (3).</p> <p>In section 50 (1) the words “by the Authority”.</p> <p>In section 53 (2) the words “by the Authority”.</p> <p>In section 58 (4) the words “by the Authority”.</p> <p>Sections 80 (2) and (3), 82, 83, 84, 85, 86, 88, 89, 91, 92 (2), 93, 94, 96 and 104.</p> <p>In section 113, in subsection (1) the definitions of “the Authority”; “health authority”; “local authority”; “local education authority”; “management committee”; “welfare authority”; “welfare officer” and in the definition of “hospital” the words “under the Health Services Act (Northern Ireland) 1948”; subsection (2).</p> <p>Schedule 1.</p> <p>In Schedule 6 the entries relating to the Poor Afflicted Persons Relief (Ireland) Act 1878 and the Habitual Drunkards Act 1879.</p>
1962 c. 12	The Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1962.	Sections 2 to 4 and 29.
1965 c. 20	The Factories Act (Northern Ireland) 1965.	<p>In section 116 (9) the words from “and the Ministry may” to “rules on its behalf”.</p> <p>In section 153 (2) (a) the words “and Part VIII”.</p> <p>In section 176 (1) the definition of “medical officer of health”.</p>
1966 c. 32	The Selective Employment Payments Act (Northern Ireland) 1966.	In Schedule 2 the entries for the Northern Ireland General Health Services Board and the Northern Ireland Hospitals Authority.

Chapter	Short Title	Extent of Repeal
1967 c. 9	The Health Services (Amendment) Act (Northern Ireland) 1967.	Section 4. In Schedule 1, in Part I, in the entry relating to the Mental Health Act (Northern Ireland) 1961 the entry relating to section 2; and in the entry relating to section 113 the words from "in the definition of "the Authority"" to "two" and"; Part II.
1967 c. 29	The Increase of Fines Act (Northern Ireland) 1967.	In Part I of the Schedule the entry relating to the Poor Relief (Ireland) Act 1838.
1967 c. 34	The Housing Act (Northern Ireland) 1967.	Section 24.
1967 c. 35	The Adoption Act (Northern Ireland) 1967.	In section 3 (1) the words "within whose area he was then resident". In section 11 (1) (a) the words "in whose area the applicant resides, or an officer of that authority; or". In section 13 the word "any". In section 15 the words "in whose area the infant then is". Sections 39 and 42.
1967 c. 36	The Public Health Act (Northern Ireland) 1967.	Sections 15 (7) and 16 (3). Sections 26 to 31. In section 32 the definitions of "health authority"; "medical officer of health" and "welfare authority". Schedule 2.
1968 c. 7	The Malone and Whiteabbey Training Schools Act (Northern Ireland) 1968.	Section 2 (2).
1968 c. 34	The Children and Young Persons Act (Northern Ireland) 1968.	In section 1, in subsection (1) the words "for the area in which the child is to reside"; in subsection (2) (a) the words "for the area in which the child is to reside".



Chapter	Short Title	Extent of Repeal
1968 c. 34	The Children and Young Persons Act (Northern Ireland) 1968—(cont.)	<p>In section 5 (1) the words from “and, where the new address” to the end of the subsection.</p> <p>In section 8, in subsection (2) the words “an officer of”; in subsection (3) the words “any officer of”.</p> <p>In section 11, in subsection (2) the words “in their area”; in subsection (3) the words “for the area in which the premises are situate”.</p> <p>In section 17, in subsection (1) the words “within their area” and the words “residing therein”; in subsection (2) the words “in the area of any welfare authority”; in subsection (3) the words “within their area”.</p> <p>In section 35 the words from “in whose area the child” to “been committed,”.</p> <p>In section 53, in subsection (1) (ii) the words from “in whose area the child” to the end of the subsection; in subsection (2) the words “or other local”.</p> <p>In section 81 (4) the words from “but, except” to the end of the subsection.</p> <p>In section 85, subsection (2); in subsection (3) (a) the words “after considering any representations made to it by the local authority concerned,”; in subsection (3) (b) the words “the local authority, if any, named therein, or”.</p> <p>In section 86 (1) the words “authority or” and the word “authority”.</p> <p>In section 88, in subsections (1) and (3) the words “authority or”.</p>

Chapter	Short Title	Extent of Repeal
1968 c. 34	The Children and Young Persons Act (Northern Ireland) 1968—(cont.)	<p>In section 92, in subsection (1) the word “appropriate”; subsections (3) and (4).</p> <p>In section 94, in subsection (1) the words “for the area in which the child or young person resides or is found” and the words “residing or found in their area”; in subsection (3) the words “within whose area the child or young person resides”.</p> <p>In section 96, in subsection (2) the words “in whose area he was residing or found”; in subsection (3) (a) the words “in whose area the child or young person resides”.</p> <p>In section 100 (4) the words “in whose area the place of safety is situated”.</p> <p>In section 103, in subsection (1) the words “in their area”; subsections (4) and (5); in subsection (6) (a) the words “and the provisions of subsections (4) and (5) shall not apply”.</p> <p>In section 105, in subsection (4) the words “by whom application for the order was made” where they twice occur; in subsection (5) the words “except subsections (4) and (5) of section 103”.</p> <p>In section 106 (2) (c) the words “on whose application the order was made”.</p> <p>In section 111, in subsection (1) the word “appropriate”; subsections (2) and (3); in subsection (5) the word “appropriate”.</p> <p>In section 113, subsections (3) to (6).</p> <p>In section 114, subsection (4); in subsection (5) the words “with the approval of the Ministry”.</p>

Chapter	Short Title	Extent of Repeal
1968 c. 34	The Children and Young Persons Act (Northern Ireland) 1968—(cont.)	<p>In section 115, in subsection (2), in paragraph (a) the words “by welfare authorities”; in paragraph (b) the words “as may be prescribed by the regulations”.</p> <p>In section 116, in subsection (1) the words “and shall in so far as the Ministry so requires” and the words “either within or without their area”; subsections (3) to (6).</p> <p>In section 117 (1) the words “the Ministry or”.</p> <p>Section 120 (2) and (3).</p> <p>In section 121 (1) the words “with the approval of the Ministry”.</p> <p>Sections 122 (4), 125, 127 (6) to (9) and 130.</p> <p>In section 131, in subsection (2) the words “in whose area the child proposes to reside”; subsection (3).</p> <p>In section 134, in subsection (1) the words “local authority or other” and the words “authority or”; subsection (3).</p> <p>In section 137 (3) the words “(other than a training school provided by a local authority)”.</p> <p>Section 139 (2) (b).</p> <p>In section 142, in subsection (3), paragraph (a); in subsection (4) the words from the beginning to “time to time, and”.</p> <p>Section 146 (3).</p> <p>Section 149 (1) and (2).</p> <p>In section 150 (2) the words “Local authorities,”.</p> <p>In section 152 (2) the words “with the consent of the Ministry”.</p>

Chapter	Short Title	Extent of Repeal
1968 c. 34	The Children and Young Persons Act (Northern Ireland) 1968—(cont.)	<p>Section 153.</p> <p>In section 156 (4) the word “respectively”.</p> <p>In section 159, in subsection (1) the words “or, as the case may be, a council, who if the child or young person were legitimate might apply for a contribution order in respect of him” and the words “or council”; in subsection (2), in paragraph (a) the words “or of another welfare authority from whom the care of him was taken over by the first-mentioned authority”; in paragraph (b) (ii) the words “of which the managers are the applicant”; paragraph (c).</p> <p>Sections 160 (2) and (3) and 161.</p> <p>In section 163 (1) the words “in whose area the child or young person resides”.</p> <p>In section 164, in subsection (1) the word “every” and subsection (4).</p> <p>In section 165 (3) the words “within whose area the child was immediately before his removal”.</p> <p>Section 166.</p> <p>In section 169 the words “and a welfare authority with the approval of the Ministry and the Ministry of Finance,”; in paragraph (a) the words “in the case of the Ministry” and the words “welfare authority or local authority”; paragraph (b).</p> <p>Section 171.</p> <p>In section 172 (2) the words from “if those managers” to “in any other case, may”.</p> <p>In section 173, in subsection (4) the words from “if they</p>

Chapter	Short Title	Extent of Repeal
1968 c. 34	The Children and Young Persons Act (Northern Ireland) 1968—(cont.)	<p>are a local authority” to “in any other case” and in subsection (5) the words “a local authority, a welfare authority or”.</p> <p>In section 180 (1) the definitions of “local authority” and “welfare authority” and in the definition of “managers” the words from “established” to “any other training school”.</p> <p>In Schedule 5, in paragraph 15 (b) the words “local or”.</p>
1969 c. 25	The Commissioner for Complaints Act (Northern Ireland) 1969.	In Schedule 1, Part II, the entries for Hospital Management Committees, the Northern Ireland General Health Services Board, the Northern Ireland Hospitals Authority and Special Care Management Committees.
1969 c. 36	The Health Services (Amendment) Act (Northern Ireland) 1969.	The whole Act.
1970 c. 11	The Nurses and Midwives Act (Northern Ireland) 1970.	<p>Section 16 (2).</p> <p>In section 54 (1) the definitions of “health authority” and “health committee”; “management committee” and “welfare committee”.</p> <p>In Schedule 1, in paragraph 2 (c) the words “hospital or local authority” and the words “or both”; in paragraph 13 the words “with the Authority” in the second place where they occur.</p>
1971 c. 1	The Health Services Act (Northern Ireland) 1971.	The whole Act.
1971 c. 2	The Welfare Services Act (Northern Ireland) 1971.	<p>The whole Act except sections 25 and 48 (1).</p> <p>In section 25, subsection (3); in subsection (4) the words “or a welfare authority” and the words “or (3)”.</p>

Chapter	Short Title	Extent of Repeal
1971 c. 32	<b>The Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971.</b>	<p><b>Section 9.</b></p> <p>In section 10 (1) the definitions of "health authority", "welfare authority" and "the Public Health and Local Government Act" and in the definition of "nursing home" the words "health authority or welfare authority".</p> <p>In Schedule 1 the entry relating to the Welfare Services Act (Northern Ireland) 1971.</p>

## EXPLANATORY NOTE

*(This Note is not part of the Order)*

This Order provides a new administrative structure for the health and personal social services in Northern Ireland. The Ministry of Health and Social Services for Northern Ireland and the Ministry of Home Affairs for Northern Ireland will provide or secure the provision of these services which will be administered locally by Health and Social Services Boards acting on behalf of those Ministries.











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