

Changes to legislation: *Health and Personal Social Services (Northern Ireland) Order 1972, PART II is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

F1 SCHEDULE 1

F1 Sch. 1 repealed (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), s. 34(3), Sch. 6 para. 3(48), [Sch. 7](#); S.R. 2009/114, [art. 2](#)

PART II

SUPPLEMENTARY PROVISIONS AS TO THE HEALTH AND SOCIAL SERVICES BOARDS

Acquisition, etc., of land

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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

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Sub#para. (1) rep. by 1986 NI 24

(2), 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. . . .

(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

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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

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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 . . . 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.

(2A) Determinations or regulations under sub-paragraph (1) or (2) may provide for approvals or determinations to have effect from a date specified in them.

(2B) The date mentioned in sub-paragraph (2A) may be before or after the date of giving the approvals or making the determinations but may not be before if it would be to the detriment of the officers to whom the approvals or determinations relate.

- ^{F5}(2C) Where the registration of a dental practitioner in the dentists register is suspended—
 - (a) by an order under section 32 of the Dentists Act 1984 (interim suspension); or
 - (b) by a direction or an order of the Health Committee under that Act (health cases),

the suspension shall not terminate any contract of employment made between him and a Health and Social Services Board but a person whose registration is suspended under that Part of that Act shall not perform any duties under a contract made between him and a Health and Social Services Board which involves the practice of dentistry within the meaning of the Dentists Act 1984.

(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 Execution of contracts and instruments not under seal

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13. The seal of a Health and Social Services Board shall be authenticated by the signatures of—

- (a) at least one member of the Board appointed under paragraph 3(1)(a) or (b); and
- (b) the chief officer of the Board.

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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.

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15. Regulations may make provision (including provision modifying this Schedule) to deal with cases where the post of chief officer or any other officer of a Health and Social Services Board is held jointly by two or more persons or where the functions of such an officer are in any other way performed by more than one person.

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Changes and effects yet to be applied to :

- Instrument amended by [1995 c. 51 s.4Sch. para.30](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 56(4C)(4D) substituted by [S.I. 2002/3135 Sch. 1 para. 16](#) (This amendment has not been applied as it has been superceded by the substitution of art. 56 by 2004/311 NI 2 art. 3)
- art. 61-61E and art. 61F and cross-heading substituted for art. 61 by [2008 c. 2 \(N.I.\) s. 2\(2\)](#) (This amending provision is itself amended (13.6.2016) before it comes into force by 2016 c. 26 (N.I.), ss. 9, 20(2))
- art. 98(3) added by [2008 c. 2 \(N.I.\) s. 4\(1\)](#)
- art. 107(1A) inserted by [2008 c. 2 \(N.I.\) s. 4\(4\)\(b\)](#)