

SCHEDULES

[^{F1}SCHEDULE 11

DISQUALIFICATION OF PERSONS PROVIDING PART VI SERVICES

F1 2001 c. 3 (NI)

PART I

THE TRIBUNAL

Powers of the Tribunal

3.—(1) Sub-paragraph (2) applies where the Tribunal is of the opinion—

- (a) on inquiring into an efficiency case, that the person meets the first condition for disqualification;
- (b) on inquiring into a fraud case, that the person meets the second condition for disqualification.

[on inquiring into an unsuitability case, that the person meets the third condition for ^{F2}(c) disqualification.]

[^{F3}(2) The Tribunal must disqualify the person for inclusion in the list to which the case relates.]

(3) If the Tribunal makes a general disqualification it may also declare that the person is not fit to be engaged in any capacity in the provision [^{F4}, or as the case may be performance,] of the services to which the lists in question relate (referred to in this Schedule as a declaration of unfitness).

(4) The Tribunal shall not make [^{F5}a] disqualification or declaration under this paragraph if it is of the opinion that it would be unjust to do so.

(5) A disqualification under this paragraph shall have effect when proceedings in the case are finally concluded.

(6) If a person is disqualified for inclusion in any list prepared by [^{F6}the Department] , [^{F7}the Department] shall not enter him in the list and (if he is already included in the list) shall remove him from the list.]

F2 Sch. 11 para. 3(1)(c) inserted (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\), ss. 11, 18\(1\)\(a\)\(b\), Sch. 1 para. 3\(2\)](#)

F3 Sch. 11 para. 3(2) substituted (13.6.2016) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016 \(c. 26\), ss. 12\(1\)\(m\), 20\(2\)](#)

F4 Words in Sch. 11 para. 3(3) inserted (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\), ss. 11, 18\(1\)\(a\)\(b\), Sch. 1 para. 3\(4\)](#)

F5 Word in Sch. 11 para. 3(4) substituted (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\), ss. 11, 18\(1\)\(a\)\(b\), Sch. 1 para. 3\(5\)](#)

F6 Words in Sch. 11 para. 3(6) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 53\(3\)\(a\); S.R. 2022/102, art. 2\(b\)](#)

Changes to legislation: *Health and Personal Social Services (Northern Ireland) Order 1972, Powers of the Tribunal is up to date with all changes known to be in force on or before 24 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*

F7 Words in Sch. 11 para. 3(6) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 53\(3\)\(b\)](#); S.R. 2022/102, art. 2(b)

Changes to legislation:

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[View outstanding changes](#)

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\(4\)\(b\)](#)