

SCHEDULES

[^{F1}SCHEDULE 11

DISQUALIFICATION OF PERSONS PROVIDING PART VI SERVICES

F1 2001 c. 3 (NI)

PART I

THE TRIBUNAL

Disqualification provisions in Scotland or England and Wales

7.—(1) [^{F2} Where—

(a) under or by virtue of any provisions in force in Scotland or England and Wales corresponding to the provisions of this Schedule, a person is disqualified for inclusion in all lists prepared under or by virtue of—

(i) those provisions so in force, or

(ii) provisions so in force corresponding to the provisions of Part VI of this Order,

of persons performing, undertaking to provide [^{F3}or approved to assist in providing] any of the services mentioned in paragraph 1(8), then,

(b) in relation to the service in question,]

that person shall, so long as that disqualification is in force, be disqualified for inclusion in any list and (if also the subject of a declaration under those provisions corresponding to a declaration of unfitness) be treated as if a declaration of unfitness had been made in respect of him.

(2) Where under the conditional disqualification provisions in Scotland or England and Wales—

(a) any conditions are imposed in relation to the provision [^{F4}, assistance in provision or performance] by any person of any services mentioned in paragraph 1(8); or

(b) any conditions so imposed are varied,

the Department may, by a notice in writing given [^{F5}... to the person in question, impose those conditions in relation to the provision by that person of those services under Part VI of this Order [^{F6}, Article 15B arrangements or a pilot scheme].

(3) A notice under sub-paragraph (2) may make such modifications of the conditions as the Department considers necessary for them to have the like effect in relation to Northern Ireland as they have in relation to Scotland or (as the case may be) England and Wales, but only if the Department has previously given the person concerned written notice of the proposed modifications and an opportunity (in accordance with such requirements, if any, as may be prescribed) to make representations about them.

(4) Conditions imposed by a notice under sub-paragraph (2) shall cease to have effect if the Department withdraws the notice by giving written notice to the person concerned.

Changes to legislation: *Health and Personal Social Services (Northern Ireland) Order 1972, Disqualification provisions in Scotland or England and Wales is up to date with all changes known to be in force on or before 19 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*

(5) In this paragraph “the conditional disqualification provisions in Scotland or England and Wales” means any provision in force in Scotland or England and Wales corresponding to paragraphs 4 and (so far as relating to conditional disqualifications) paragraph 5.]

F2	Words in Sch. 11 para. 7(1) substituted (26.3.2008) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 (c. 2), ss. 11, 18(1)(a)(b), Sch. 1 para. 6(2)
F3	Words in Sch. 11 para. 7(1)(a) substituted (13.6.2016) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (c. 26), ss. 12(1)(q), 20(2)
F4	Words in Sch. 11 para. 7(2) inserted (26.3.2008) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 (c. 2), ss. 11, 18(1)(a)(b), Sch. 1 para. 6(3)(a)
F5	Words in Sch. 11 para. 7(2) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 53(6) ; S.R. 2022/102, art. 2(b)
F6	Words in Sch. 11 para. 7(2) added (26.3.2008) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 (c. 2), ss. 11, 18(1)(a)(b), Sch. 1 para. 6(3)(b)

Changes to legislation:

Health and Personal Social Services (Northern Ireland) Order 1972, Disqualification provisions in Scotland or England and Wales is up to date with all changes known to be in force on or before 19 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.

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