

STATUTORY INSTRUMENTS

1991 No. 194

**The Health and Personal Social
Services (Northern Ireland) Order 1991**

Health and ^{F1} social care] bodies

Removal of Crown immunities

7.—(1) ^{F1}

(2) In Schedule 2—

(a) Part I has effect to continue certain exemptions for [^{F2}health and social care body to which this Article applies] and property held, used or occupied by such bodies; ^{F3} . . .

(b) ^{F3}

(3) Where, as a result of the provisions of paragraph (1), by virtue of his employment during any period after the day appointed for the coming into operation of that paragraph—

(a) an employee has contractual rights against a [^{F4}health and social care body to which this Article applies] to benefits in the event of his redundancy, and

(b) he also has statutory rights against the [^{F4}health and social care body to which this Article applies] under [^{F5} Part XII of the Employment Rights (Northern Ireland) Order 1996] (redundancy payments),

any benefits provided to him by virtue of the contractual rights referred to in sub-paragraph (a) shall be taken as satisfying his entitlement to benefits under the said [^{F5} Part].

(4) Nothing in paragraph (1) affects the extent of the expression “the services of the Crown” where it appears in—

(a) Schedule 1 to the Registered Designs Act 1949^{F6} (provisions as to the use of registered designs for the services of the Crown etc.); and

(b) sections 55 to 59 of the Patents Act 1977^{F7} (use of patented inventions for services of the Crown);

and, accordingly, services provided in pursuance of any power or duty of the Department under Part II or V of the principal Order [^{F8}or the 2009 Act] shall continue to be regarded as included in that expression, whether the services are in fact provided by a [^{F9}health and social care body to which this Article applies], an [^{F10}HSC trust] or any other person.

(5) The Department may by order made subject to affirmative resolution provide that, in relation to any provision contained in a local Act and specified in the order, the operation of paragraph (1) shall be excluded or modified to the extent specified in the order.

^{F11}(6) This Article applies to the following health and social care bodies—

^{F12}(a)

(b) the Regional Agency;

(c) RBSO;

(d) a special agency.]

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| F1 | Art. 7(1) repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 33, 34(3), Sch. 6 para. 13(4)(a), Sch. 7 ; S.R. 2009/114, art. 2 |
| F2 | Words in art. 7(2) substituted (1.4.2009) by virtue of Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 13(4)(b) ; S.R. 2009/114, art. 2 |
| F3 | Art. 7(2)(b) and preceding word repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 33, 34(3), Sch. 6 para. 13(4)(c), Sch. 7 ; S.R. 2009/114, art. 2 |
| F4 | Words in art. 7(3) substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 13(4)(b) ; S.R. 2009/114, art. 2 |
| F5 | 1996 NI 16 |
| F6 | 1949 c. 88 |
| F7 | 1977 c. 37 |
| F8 | Words in art. 7(4) inserted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 13(4)(d) ; S.R. 2009/114, art. 2 |
| F9 | Words in art. 7(4) substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 13(4)(b) ; S.R. 2009/114, art. 2 |
| F10 | Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 1(1)(d) (with Sch. 6 para. 1(3)); S.R. 2009/114, art. 2 |
| F11 | Art. 7(6) substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 13(4)(e) ; S.R. 2009/114, art. 2 |
| F12 | Art. 7(6)(a) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 138 ; S.R. 2022/102, art. 2(b) |

Changes to legislation:

There are currently no known outstanding effects for the The Health and Personal Social Services (Northern Ireland) Order 1991, Section 7.