

STATUTORY INSTRUMENTS

**1991 No. 194**

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

Health and [<sup>F1</sup> social care] bodies

**F1** 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\(1\)\(a\)](#) (with [Sch. 6 para. 1\(2\)\(3\)](#)); S.R. 2009/114, [art. 2](#)

**Constitution of Health and Social Services Boards**

**3.** <sup>F2</sup> .....

**F2** [Art. 3](#) repealed (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 33, 34(3), [Sch. 6 para. 13\(3\)](#), [Sch. 7](#); S.R. 2009/114, [art. 2](#)

**Health and Social Services Councils**

**4.** <sup>F3</sup> .....

**F3** [Art. 4](#) repealed (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 33, 34(3), [Sch. 6 para. 13\(3\)](#), [Sch. 7](#); S.R. 2009/114, [art. 2](#)

*Art. 5 rep. by 2001 c. 3 (NI)*

**Abolition of Northern Ireland Health and Social Services Training Council**

**6.** <sup>F4</sup> .....

**F4** [Art. 6](#) repealed (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 33, 34(3), [Sch. 7](#); S.R. 2009/114, [art. 2](#)

**Removal of Crown immunities**

**7.—(1)** <sup>F5</sup> .....

(2) In Schedule 2—

(a) Part I has effect to continue certain exemptions for [<sup>F6</sup>health and social care body to which this Article applies] and property held, used or occupied by such bodies; <sup>F7</sup> . . .

(b) <sup>F7</sup> .....

(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 [<sup>F8</sup>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 [<sup>F8</sup>health and social care body to which this Article applies] under [<sup>F9</sup> 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 [<sup>F9</sup> 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<sup>F10</sup> (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<sup>F11</sup> (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 [<sup>F12</sup>or the 2009 Act] shall continue to be regarded as included in that expression, whether the services are in fact provided by a [<sup>F13</sup>health and social care body to which this Article applies], an [<sup>F14</sup>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.

[<sup>F15</sup>(6) This Article applies to the following health and social care bodies—

- <sup>F16</sup>(a) .....
- (b) the Regional Agency;
- (c) RBSO;
- (d) a special agency.]

**F5** 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

**F6** 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

**F7** 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

**F8** 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

**F9** 1996 NI 16

**F10** 1949 c. 88

**F11** 1977 c. 37

**F12** 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

**F13** 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

**F14** 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

**F15** 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

**F16** 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, Health and social care bodies.