

1994 No. 65

HEALTH AND PERSONAL SOCIAL SERVICES**The Health and Social Services Trusts (Consequential Amendments) Regulations (Northern Ireland) 1994**

Made *1st March 1994*

Coming into operation *1st April 1994*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 3(11) of the Health and Personal Social Services (Northern Ireland) Order 1994^(a) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Health and Social Services Trusts (Consequential Amendments) Regulations (Northern Ireland) 1994 and shall come into operation on 1st April 1994.

Amendment of Statutory Rules

2. The Statutory Rules referred to in the Schedules shall be amended as set out in those Schedules.

Sealed with the Official Seal of the Department of Health and Social Services on 1st March 1994.

(L.S.)

John McGrath

Assistant Secretary

(a) S.I. 1994/429 (N.I. 2)

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SCHEDULE 1

Amendment of the Nursing Homes Regulations (Northern Ireland) 1993

1. The Nursing Homes Regulations (Northern Ireland) 1993(a) shall be amended as follows—

- (a) in regulation 1(2), after the definition of “adequate” there shall be added the following definition—
 - “ “authorised HSS trust” has the meaning assigned to it by Article 2B of the Mental Health (Northern Ireland) Order 1986(b);”;
- (b) in regulation 12(1), after the word “Board”, in the first place where that word occurs, there shall be added the words “or an HSS trust”;
- (c) in regulation 15(2)(b), after the word “Board” there shall be added the words “or an HSS trust”;
- (d) in regulation 17(1) and (2), after the word “Board”, in each place where that word occurs, there shall be added the words “or an HSS trust”;
- (e) in Schedule 4, paragraph 2(c), after the word “Board” there shall be added the words “or an HSS trust”;
- (f) in Schedule 4, paragraph 2(h), after the word “Board”, in each place where that word occurs, there shall be added the words “or an authorised HSS trust”; and
- (g) in Schedule 4, paragraph 2(i), after the word “Board,” there shall be added the words “HSS trust,”.

(a) S.R. 1993 No. 92

(b) S.I. 1986/595 (N.I. 4); as amended by Schedule 1 to S.I. 1994/429 (N.I. 2)

SCHEDULE 2

**Amendment of the Residential Care Homes Regulations
(Northern Ireland) 1993**

1. The Residential Care Homes Regulations (Northern Ireland) 1993(a) shall be amended as follows—

- (a) in regulation 1(2), after the definition of “adequate” there shall be added the following definition—
“ “authorised HSS trust” has the meaning assigned to it by Article 2B of the Mental Health (Northern Ireland) Order 1986(b);”;
- (b) in regulation 10(1), after the word “Board”, in the first place where that word occurs, there shall be added the words “or an HSS trust”;
- (c) in regulation 14, after the word “Board” there shall be added the words “or an HSS trust”;
- (d) in Schedule 4, paragraph 2(c), after the word “Board” there shall be added the words “or an HSS trust”;
- (e) in Schedule 4, paragraph 2(h), after the word “Board”, in each place where that word occurs, there shall be added the words “or an authorised HSS trust”; and
- (f) in Schedule 4, paragraph 2(i), after the word “Board,” there shall be added the words “HSS trust,”.

(a) S.R. 1993 No. 91

(b) S.I. 1986/595 (N.I. 4); as amended by Schedule 1 to S.I. 1994/429 (N.I. 2)

SCHEDULE 3

Amendment of the Mental Health (Nurses, Guardianship, Consent to Treatment and Prescribed Forms) Regulations (Northern Ireland) 1986

1. The Mental Health (Nurses, Guardianship, Consent to Treatment and Prescribed Forms) Regulations (Northern Ireland) 1986(a) shall be amended as follows—

- (a) in regulation 2, after the definition of “the Order” there shall be added the following definition—
“ “authorised HSS trust” has the meaning assigned to it by Article 2B;”;
- (b) in regulation 2, in the definition of “private guardian” after the word “Board” there shall be added the words “or an authorised HSS trust”;
- (c) in regulation 2, after the definition of “private guardian” there shall be added the following definition—
“ “responsible authority” has the meaning assigned to it by Article 2(2);”;
- (d) in regulation 4, for the words “responsible Board”, in each place where those words occur, there shall be substituted the words “responsible authority”;
- (e) in regulation 4(b), for the words “that Board” there shall be substituted the words “that authority”;
- (f) in regulation 5 (1st line) and 5(b), for the words “responsible Board” and “that Board” there shall be substituted the words “responsible authority” and “that authority” respectively;
- (g) in the Schedule, Index of Prescribed Forms, there shall be inserted at the appropriate place the following entry—
“5A. Medical practitioner’s report that an application for assessment ought to be made in respect of an in-patient in a hospital not managed by an authorised HSS trust.”;
- (h) in the Schedule, Form 5A set out in the Annex to this Schedule shall be inserted at the appropriate place;
- (i) in the Schedule, in Forms 1, 2, 3, 5 to 14, 19, 20 and 24, for the words “responsible Board”, in each place where those words occur, there shall be substituted “responsible authority”; and
- (j) in the Schedule, in Forms 2, 14, 17 and 19, for the words “name of Board”, in each place where those words occur, there shall be substituted “name of Board or HSS trust”.

ANNEX

FORM 5A

MENTAL HEALTH (NORTHERN IRELAND) ORDER 1986

Article 7A (2)

MEDICAL PRACTITIONER'S REPORT THAT AN APPLICATION FOR ASSESSMENT OUGHT TO BE MADE IN RESPECT OF AN IN-PATIENT IN A HOSPITAL NOT MANAGED BY AN AUTHORISED HSS TRUST

To [name and address of HSS trust]

I [full name] am a medical practitioner on the staff of [name of hospital]

[Full name of patient] is an in-patient in this hospital and I hereby report for the purposes of Article 7A(2) of the Mental Health (Northern Ireland) Order 1986 that it appears to me that an application for assessment ought to be made in respect of the patient for the following reasons:—

[Reasons should indicate why an application for assessment is considered necessary]

Signed

Date

Time

SCHEDULE 4

Amendment of the Mental Health Review Tribunal (Northern Ireland) Rules 1986

1. The Mental Health Review Tribunal (Northern Ireland) Rules 1986(a) shall be amended as follows—

- (a) in rule 2, the definition of “the Board’s statement” shall be deleted and the following definitions shall be inserted before the definition of “chairman”—
“ “authorised HSS trust” has the meaning assigned to it by Article 2B of the Order;”;
“the authority’s statement” means the statement provided by the responsible authority pursuant to rule 6(1);”;
- (b) in rule 2, in the definition of “party”, for the words “responsible Board” there shall be substituted the words “responsible authority”;
- (c) in rule 2, in the definition of “private guardian”, after the words “Health and Social Services Board” there shall be added the words “or authorised HSS trust”;
- (d) in rule 2, the definition of “responsible Board” shall be deleted and the following definition shall be substituted—
“ “responsible authority” has the meaning assigned to it by Article 2(2) of the Order;”;
- (e) in rules 3(3), 4(1)(a), 6(1), (1)(a) and (4)(a), 12(1), 16(3), 21(4), 22(4), 25(2), 29(b) and 30, 30(b) and 30(d) and in the heading of the Schedule and paragraphs 3 and 4 of Part B of the Schedule, for the words “responsible Board”, in each place where those words occur, there shall be substituted the words “responsible authority”;
- (f) in rules 6(2), (4) and (4)(a), 7 and 7(c), for the words “responsible Board’s”, in each place where those words occur, there shall be substituted the words “responsible authority’s”;
- (g) in rule 8(2), for sub-paragraph (a) there shall be substituted the following sub-paragraph—
“(a) he is a member, director or officer of the responsible authority; or”;
- (h) in rule 30(b) and (c), for the word “Board’s” there shall be substituted the word “authority’s”.

SCHEDULE 5

Amendment of the Health and Personal Social Services (Assessment of Resources) Regulations (Northern Ireland) 1993

1. The Health and Personal Social Services (Assessment of Resources) Regulations (Northern Ireland) 1993(a) shall be amended as follows—

(a) in regulation 2(1), after the definition of “the Fund” there shall be added the following definition—

“ “HSS trust” means a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(b), by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(c);”;

(b) in regulation 2(1), in the definition of “less dependent resident”, after the word “Board” there shall be added the words “or an HSS trust”;

(c) in regulations 3, 5 and 26(1), after the word “Board” there shall be added the words “or an HSS trust”;

(d) in regulations 16(1)(b) and (4) and 17(4) and (5)—

(i) after the words “a Board”, wherever those words occur, there shall be added the words “or an HSS trust”; and

(ii) after the words “the Board”, wherever those words occur, there shall be added the words “or the HSS trust”;

(e) in regulations 22(8), 26(2), 36(1) and 37(1), after the words “the Board” there shall be added the words “or the HSS trust”;

(f) in Schedule 1, paragraphs 1 (in the definition of “protected amount”), 3, 10 and 11, after the word “Board”, in each place where that word occurs, there shall be added the words “or an HSS trust”;

(g) in Schedule 3, paragraph 18, after the word “Boards” there shall be added the words “or HSS trusts”;

(h) in Schedule 3, paragraphs 27 and 28(b), after the word “Board”, in each place where that word occurs, there shall be added the words “or the HSS trust”; and

(i) in Schedule 4—

(i) in paragraph 8, after the word “Board” there shall be added the words “or an HSS trust”; and

(ii) in paragraph 18, after the word “Board” there shall be added the words “or the HSS trust”.

(a) S.R. 1993 No. 127, as amended by S.R. 1993 No. 234

(b) S.I. 1991/194 (N.I. 1)

(c) S.I. 1994/429 (N.I. 2)

SCHEDULE 6

Amendment of the Residential Accommodation (Other Premises, Persons Ordinarily Resident and Exemptions) Regulations (Northern Ireland) 1993

1. The Residential Accommodation (Other Premises, Persons Ordinarily Resident and Exemptions) Regulations (Northern Ireland) 1993(a) shall be amended as follows—

(a) in regulation 2(1), after the definition of “Board” there shall be added the following definition—

“ “HSS trust” means a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(b), by which functions are exercisable by virtue of an authorization for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(c);”;

(b) in regulation 7(1)(b), after the word “Board” there shall be added the words “or the HSS trust”;

(c) in regulation 7(2)(a), after the word “Board” there shall be added the words “or an HSS trust”; and

(d) in regulation 9(1)(a)(i), (1)(b) and (2)(a), after the word “Board” there shall be added the words “or an HSS trust”.

(a) S.R. 1993 No. 163
(b) S.I. 1991/194 (N.I. 1)
(c) S.I. 1994/429 (N.I. 2)

SCHEDULE 7

Amendment of the Children and Young Persons (Boarding-Out) Regulations (Northern Ireland) 1976

1. The Children and Young Persons (Boarding-Out) Regulations (Northern Ireland) 1976(a) shall be amended as follows—

(a) in regulation 2,—

(i) for the definition of “area authority” there shall be substituted the following definition—

“ “area authority” in relation to a child means—

(a) a Health and Social Services Board in whose area the home of the foster parents is; or

(b) an HSS trust in whose operational area the home of the foster parents is;”;

(ii) in the definition of “care authority”, after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”;

(iii) after the definition of “Health and Social Services Board” there shall be added the following definition—

“ “HSS trust” means a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(b), by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(c);”;

(iv) in the definition of “social worker”, after the words “Health and Social Services Board” there shall be added the words “, HSS trust”; and

(v) in the definition of “voluntary organisation”, for the words “or a Health and Social Services Board” there shall be substituted the words “, a Health and Social Services Board or an HSS trust”; and

(b) regulation 2 shall be numbered as regulation 2(1), and a new paragraph (2) shall be added as follows—

“(2) Any reference to a Health and Social Services Board in these Regulations (other than regulation 28) shall include a reference to an HSS trust.”.

(a) S.R. 1976 No. 19

(b) S.I. 1991/194 (N.I. 1)

(c) S.I. 1994/429 (N.I. 2)

SCHEDULE 8

Amendment of the Child-Minding (Registration Requirements) Regulations (Northern Ireland) 1974

1. The Child-Minding (Registration Requirements) Regulations (Northern Ireland) 1974(a) shall be amended as follows—

(a) in regulation 2, after the definition of “Health and Social Services Board” there shall be added the following definition—

“ “HSS trust” means a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(b), by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(c);”;

(b) in regulation 3, —

(i) after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”; and

(ii) in paragraphs (a), (b) and (c), after the word “Board”, in each place where that word occurs, there shall be added the words “or the HSS trust”; and

(c) in the Schedule, after the word “Board”, in each place where that word occurs, there shall be added the words “or the HSS trust”.

(a) S.R. 1974 No. 318

(b) S.I. 1991/194 (N.I. 1)

(c) S.I. 1994/429 (N.I. 2)

SCHEDULE 9

Amendment of the Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1975

1. The Children and Young Persons (Voluntary Homes) Regulations (Northern Ireland) 1975(a) shall be amended as follows—

(a) in regulation 2, after the definition of “Health and Social Services Board” there shall be added the following definition—

“ “HSS trust” means a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(b), by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(c);” and

(b) in regulation 9(2)(b), after the words “Health and Social Services Board” there shall be added the words “or the HSS trust”.

(a) S.R. 1975 No. 293

(b) S.I. 1991/194 (N.I. 1)

(c) S.I. 1994/429 (N.I. 2)

SCHEDULE 10

**Amendment of the Social Security (Credits) Regulations
(Northern Ireland) 1975**

1. The Social Security (Credits) Regulations (Northern Ireland) 1975(a) shall be amended as follows—

(a) in regulation 2(1), after the definition of “Health and Social Services Board” there shall be added the following definition—

“ “HSS trust” means a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(b), by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(c);” and

(b) in regulation 9(4)(a)(iv)(bb), for the words “or a Health and Social Services Board” there shall be substituted the words “, a Health and Social Services Board or an HSS trust”.

(a) S.R. 1975 No. 113, as amended; the relevant amending Regulations are S.R. 1982 No. 42
(b) S.I. 1991/194 (N.I. 1)
(c) S.I. 1994/429 (N.I. 2)

SCHEDULE 11

Amendment of the Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984

1. The Social Security (Unemployment, Sickness and Invalidity Benefit) Regulations (Northern Ireland) 1984(a) shall be amended as follows—

(a) in regulation 1(2), after the definition of “Health and Social Services Board” there shall be added the following definition—

“ “HSS trust” means a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(b), by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(c);”;

(b) in regulation 7(1)(g)(iii), for the words “or a Health and Social Services Board” there shall be substituted the words “, a Health and Social Services Board or an HSS trust”; and

(c) in regulation 11(4), for the words “or a Health and Social Services Board” there shall be substituted the words “, a Health and Social Services Board or an HSS trust”.

(a) S.R. 1984 No. 245
(b) S.I. 1991/194 (N.I. 1)
(c) S.I. 1994/429 (N.I. 2)

SCHEDULE 12

**Amendment of the Income Support (General) Regulations
(Northern Ireland) 1987**

1. The Income Support (General) Regulations (Northern Ireland) 1987(a) shall be amended as follows—

(a) in regulation 2(1), after the definition of “Health and Social Services Board” there shall be added the following definition—

“ “HSS trust” means a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(b), by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(c);”;

(b) in regulation 3(2)(c), after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”;

(c) in regulation 13(2)(dd), after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”;

(d) in regulation 13A(4)(d), after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”;

(e) in regulation 19(2), in the definition of “residential care home”, after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”;

(f) in regulation 21(3), in the definition of “residential accommodation”, after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”;

(g) in regulation 21(3B), after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”;

(h) in regulation 41(3)—

(i) after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”; and

(ii) after the words “Health and Social Services Boards” there shall be added “or HSS trusts”;

(i) in Schedule 1, paragraph 2, after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”;

(j) in Schedule 2, paragraph 2A(3)(b), after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”;

(k) in Schedule 4, paragraph 11(2)(d), after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”;

(l) in Schedule 9, paragraphs 26, 27 and 28, after the words “Health and Social Services Board”, in each place where those words occur, there shall be added the words “or an HSS trust”; and

(m) in Schedule 10, paragraph 17, after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”.

(a) S.R. 1987 No. 459, as amended; the relevant amending Regulations are S.R. 1988 No. 274, S.R. 1989 No. 249, S.R. 1991 No. 474, S.R. 1992 No. 147, S.Rs. 1993 Nos. 149 and 165

(b) S.I. 1991/194 (N.I. 1)

(c) S.I. 1994/429 (N.I. 2)

SCHEDULE 13

**Amendment of the Housing Benefit (General) Regulations
(Northern Ireland) 1987**

1. The Housing Benefit (General) Regulations (Northern Ireland) 1987(a) shall be amended as follows—

(a) in regulation 2(1), after the definition of “Health and Social Services Board” there shall be added the following definition—

“ “HSS trust” means a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(b), by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(c);”;

(b) in regulation 3(2)(f), after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”;

(c) in regulation 5(9)(a)(ii), in the definition of “residential accommodation”, after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”;

(d) in regulation 48A(2)(d), after the words “Health and Social Services Board” there shall be added the words “, HSS trust”;

(e) in Schedule 4, paragraphs 26 and 27, after the words “Health and Social Services Board”, in each place where those words occur, there shall be added the words “, HSS trust”;

(f) in Schedule 4, paragraph 28—

(i) after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”; and

(ii) after the words “Health and Social Services Boards’ ” there shall be added the words “or HSS trusts’ ”; and

(g) in Schedule 5, paragraph 18—

(i) after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”; and

(ii) after the words “Health and Social Services Boards’ ” there shall be added the words “or HSS trusts’ ”.

(a) S.R. 1987 No. 461, as amended; the relevant amending Regulations are S.R. 1989 No. 260, S.R. 1990 No. 297, S.R. 1993 No. 149
(b) S.I. 1991/194 (N.I. 1)
(c) S.I. 1994/429 (N.I. 2)

SCHEDULE 14

**Amendment of the Family Credit (General) Regulations
(Northern Ireland) 1987**

1. The Family Credit (General) Regulations (Northern Ireland) 1987(a) shall be amended as follows—

(a) in regulation 2(1), after the definition of “the Fund” there shall be added the following definition—

“ “HSS trust” means a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(b), by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(c);”;

(b) in Schedule 2, paragraphs 23 and 24, after the words “Health and Social Services Board”, in each place where those words occur, there shall be added the words “, HSS trust”; and

(c) in Schedule 2, paragraph 25 and Schedule 3, paragraph 18—

(i) after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”; and

(ii) after the words “Health and Social Services Boards’ ” there shall be added the words “or HSS trusts’ ”.

(a) S.R. 1987 No. 463, as amended; the relevant amending Regulations are S.R. 1989 No. 249 and S.R. 1992 No. 201
(b) S.I. 1991/194 (N.I. 1)
(c) S.I. 1994/429 (N.I. 2)

SCHEDULE 15

**Amendment of the Social Security (Claims and Payments) Regulations
(Northern Ireland) 1987**

1. Regulation 42 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(a) shall be amended as follows—

(a) in paragraph (5), after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”;

(b) in paragraph (7)—

(i) after the words “Health and Social Services Board”, in the first place where those words occur, there shall be added the words “or an HSS trust”;

(ii) after the words “said Board” there shall be added the words “or said HSS trust”;

(iii) after the words “such Board” there shall be added the words “or such HSS trust”;

(iv) after the words “that Board”, in each place where those words occur, there shall be added the words “or that HSS trust”; and

(v) after the words “Health and Social Services Board”, in the second and third places where those words occur, there shall be added the words “or HSS trust”;

(c) in paragraph (8)—

(i) after the words “Health and Social Services Board”, in each place where those words occur, there shall be added the words “or the HSS trust”; and

(ii) after the words “that Board”, in each place where those words occur, there shall be added the words “or that HSS trust”; and

(d) in paragraph (9), after the definition of “Health and Social Services Board”, there shall be added the following definition—

“ ‘HSS trust’ means a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(b), by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(c);”.

(a) S.R. 1987 No. 465, as amended; the relevant amending Regulations are S.R. 1992 No. 7

(b) S.I. 1991/194 (N.I. 1)

(c) S.I. 1994/429 (N.I. 2)

SCHEDULE 16

**Amendment of the Social Security (Attendance Allowance) Regulations
(Northern Ireland) 1992**

1. The Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992(a) shall be amended as follows—

(a) in regulation 1(2), after the definition of “the 1991 Order” there shall be added the following definition—

“ “HSS trust” means a Health and Social Services trust established under Article 10 of the 1991 Order, by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(b);” and

(b) in regulation 8(7), after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”.

(a) S.R. 1992 No. 20, as amended; the relevant amending Regulations are S.R. 1992 No. 481 and S.Rs. 1993 Nos. 149 and 165

(b) S.I. 1994/429 (N.I. 2)

SCHEDULE 17

Amendment of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992

1. The Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(a) shall be amended as follows—

(a) in regulation 1(2), after the definition of “care component” there shall be added the following definition—

“ “HSS trust” means a Health and Social Services trust established under Article 10 of the 1991 Order, by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(b);”;

(b) in regulation 9(2), after the words “Health and Social Services Board”, in each place where those words occur, there shall be added the words “or an HSS trust”; and

(c) in regulation 10(9), after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”.

(a) S.R. 1992 No. 32, as amended; the relevant amending Regulations are S.R. 1992 No. 481, S.Rs. 1993 Nos. 149 and 165

(b) S.I. 1994/429 (N.I. 2)

SCHEDULE 18

**Amendment of the Disability Working Allowance (General) Regulations
(Northern Ireland) 1992**

1. The Disability Working Allowance (General) Regulations (Northern Ireland) 1992(a) shall be amended as follows—

(a) in regulation 2, after the definition of “the Fund” there shall be added the following definition—

“ “HSS trust” means a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(b), by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(c);”;

(b) in Schedule 3, paragraphs 23 and 24, after the words “Health and Social Services Board”, in each place where those words occur, there shall be added the words “, HSS trust”;

(c) in Schedule 3, paragraph 25—

(i) after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”; and

(ii) after the words “Health and Social Services Boards’ ” there shall be added the words “or HSS trusts’ ”; and

(d) in Schedule 4, paragraph 18, after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”.

(a) S.R. 1992 No. 78, as amended; the relevant amending Regulations are S.R. 1992 No. 201

(b) S.I. 1991/194 (N.I. 1)

(c) S.I. 1994/429 (N.I. 2)

SCHEDULE 19

Amendment of the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992

1. The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(a) shall be amended as follows—

- (a) in regulation 1(2), in the definition of “family”—
 - (i) after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”; and
 - (ii) after the words “that Board” there shall be added the words “or that HSS trust”;
- (b) in regulation 1(2), after the definition of “Health and Social Services Board” there shall be added the following definition—

“ “HSS trust” means a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(b), by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(c);”;
- (c) in regulation 1(2), in the definition of “person”, after the word “Board” there shall be added the words “or an HSS trust”;
- (d) in regulation 25, after the words “Health and Social Services Board”, in each place where those words occur, there shall be added the words “or an HSS trust”;
- (e) in regulation 27A(1)—
 - (i) after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”; and
 - (ii) after the words “the Board” there shall be added the words “or the HSS trust”;
- (f) in regulation 27A(2), after the words “the Board” there shall be added the words “or the HSS trust”;
- (g) in Schedule 2, paragraph 28(a), after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”;
- (h) in Schedule 2, paragraph 29, after the words “Health and Social Services Board,” there shall be added the words “an HSS trust,”; and
- (i) in Schedule 2, paragraph 30—
 - (i) after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”; and
 - (ii) after the words “Health and Social Services Boards’ ” there shall be added the words “or HSS trusts’ ”.

(a) S.R. 1992 No. 341, as amended; the relevant amending Regulations are S.R. 1993 No. 164

(b) S.I. 1991/194 (N.I. 1)

(c) S.I. 1994/429 (N.I. 2)

SCHEDULE 20

Amendment of the Child Support (Information, Evidence and Disclosure) Regulations (Northern Ireland) 1992

1. The Child Support (Information, Evidence and Disclosure) Regulations (Northern Ireland) 1992(a) shall be amended as follows—

(a) in regulation 1(2), after the definition of “Health and Social Services Board” there shall be added the following definition—

“ “HSS trust” means a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(b), by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994(c);” and

(b) in regulation 2(2), after sub-paragraph (d) there shall be added the following sub-paragraph—

“(dd) the HSS trust in whose operational area a person falling within a category listed in sub-paragraphs (a) and (b) resides or has resided, with respect to the matter listed in sub-paragraph (a) of regulation 3(1);”.

(a) S.R. 1992 No. 339
(b) S.I. 1991/194 (N.I. 1)
(c) S.I. 1994/429 (N.I. 2)

SCHEDULE 21

Amendment of the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992

1. Regulation 49 of the Child Support (Maintenance Assessment Procedure) Regulations (Northern Ireland) 1992^(a) shall be amended as follows—

(a) after paragraph (a) there shall be added the following paragraph—

“(aa) an HSS trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991^(b), by which functions are exercisable by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994^(c),”; and

(b) in paragraph (b), —

- (i) after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”;
- (ii) after the words “that Board” there shall be added the words “or that HSS trust”; and
- (iii) after the words “the Board” there shall be added the words “or the HSS trust”.

(a) S.R. 1992 No. 340, as amended; the relevant amending regulations are S.R. 1993 No. 164

(b) S.I. 1991/194 (N.I. 1)

(c) S.I. 1994/429 (N.I. 2)

SCHEDULE 22

Amendment of the Adoption Agencies Regulations (Northern Ireland) 1989

1. The Adoption Agencies Regulations (Northern Ireland) 1989(a) shall be amended as follows—

(a) in regulation 1(2), after the definition of “adoption panel” there shall be added the following definition—

“ “authorised HSS trust” means an HSS trust which is an adoption agency;”;

(b) in regulation 5—

(i) at the beginning of paragraph (1), for the word “An” there shall be substituted the words “Subject to regulation 5A, an”;

(ii) in paragraph (3)(b), for the words “is a Board, at least one member of that Board;” there shall be substituted the words—

“is—

(i) a Board, at least one member of that Board; or

(ii) an HSS trust, at least one director of that HSS trust;” and

(iii) in paragraph (3)(d), after the word “member” there shall be added the word “, director”;

(c) after regulation 5 there shall be added the following regulation—

“Establishment of joint panels and appointment of members

5A.—(1) Two or more adoption agencies may jointly establish an adoption panel (“a joint panel”) or panels to carry out the functions specified in regulation 10 in relation to those agencies and shall appoint the persons referred to in paragraphs (2) and (3) to be members of such a joint panel, so however that no more than 10 members shall be appointed to a joint panel and the persons appointed to a joint panel shall include at least one man and one woman.

(2) The adoption agencies shall appoint as chairman of a joint panel a person who has had such experience in adoption work as the agencies consider appropriate.

(3) In addition to the chairman, the persons to be appointed to a joint panel shall include—

(a) one social worker in the employment of one of the adoption agencies which establish the joint panel;

(b) at least one of the following—

(i) where a registered adoption society is one of the adoption agencies which establish the joint panel, a member of that society’s management committee;

(ii) where a Board is one of the adoption agencies which establish the joint panel, a member of that Board;

(iii) where an HSS trust is one of the adoption agencies which establish the joint panel, a director of that HSS trust;

- (c) one person nominated under Regulation 6(4) as the medical adviser to one of the adoption agencies which establish the joint panel; and
 - (d) at least one other person not being a member, director or an employee of any of the adoption agencies which establish the joint panel.
- (4) A person appointed to a joint panel shall hold office subject to such conditions as to the period of his membership and otherwise as may be determined by the adoption agencies which establish the joint panel.
- (5) A joint adoption panel shall make the recommendations specified in regulation 10 only when at least three of its members meet as a panel and one of those is a social worker in the employment of one of the adoption agencies which establish the joint panel.
- (6) A joint adoption panel shall keep a written record of any of the recommendations specified in regulation 10 which it makes.”;
- (d) in regulation 8(2)(f), after the word “Board” there shall be added the words “or HSS trust”;
 - (e) in regulation 9(2)(b), after the word “Board” there shall be added the words “, HSS trust”;
 - (f) in regulation 12(2)(c), for the words “the Board in whose area the prospective adopter resides,” there shall be substituted the words—
 - “(i) the Board in whose area; or
 - (ii) the HSS trust in whose operational area, the prospective adopter resides,”;
 - (g) in regulation 16(2)(a), after the word “area” there shall be added the words “, or the authorised HSS trust in whose operational area,”; and
 - (h) in the Schedule, Part I, paragraph 10, after the word “Board” there shall be added the words “, HSS trust”.

SCHEDULE 23

**Amendment of the Education (Special Educational Needs) Regulations
(Northern Ireland) 1985**

1. The Education (Special Educational Needs) Regulations (Northern Ireland) 1985(a) shall be amended as follows—

(a) in regulation 2, for paragraph (2) there shall be substituted the following paragraph—

“(2) In these Regulations—

“health and social services board” has the same meaning as in the Health and Personal Social Services (Northern Ireland) Order 1972; and

“HSS trust” has the same meaning as in the Health and Personal Social Services (Northern Ireland) Order 1991,

and any reference to a health and social services board or an HSS trust is, in relation to a particular child, a reference to—

(a) the health and social services board in whose area that child lives; or

(b) the HSS trust in whose operational area that child lives.”;

(b) in regulation 3, after the words “health and social services board” there shall be added the words “or the HSS trust”;

(c) in regulations 6, 8(d) and 10(1)(c), after the words “health and social services board” there shall be added the words “or an HSS trust”; and

(d) in the Schedule, Appendix G, after the words “Health and Social Services Board” there shall be added the words “or an HSS trust”.

(a) S.R. 1985 No. 365

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide for amendments to subordinate legislation required as a consequence of the delegation, by virtue of an authorisation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994 (S.I. 1994/429 (N.I. 2)), of certain Health and Social Services Board functions to Health and Social Services trusts.