
STATUTORY INSTRUMENTS

1991 No. 195

NORTHERN IRELAND

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

Made - - - - 5th February 1991

Coming into force - - 1st April 1991

At the Court at Buckingham Palace, the 5th day of February 1991

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by section 38(2) of the Northern Ireland Constitution Act 1973(1) as extended by paragraph 1(7) of Schedule 1 to the Northern Ireland Act 1974(2), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title, commencement and extent

1.—(1) This Order may be cited as the Health and Personal Social Services (Northern Ireland Consequential Amendments) Order 1991.

(2) This Order shall come into force on 1st April 1991.

(3) In this Order Article 2 extends to Northern Ireland only, Article 4 extends to Scotland only, Article 7(2) to (5) and (9) extends to England and Wales only and the remaining provisions extend to the whole of the United Kingdom.

Amendment of the Vehicles (Excise) Act (Northern Ireland) 1972

2. In section 7 of the Vehicles (Excise) Act (Northern Ireland) 1972(3) after subsection (4) there shall be inserted the following subsection—

(1) 1973 c. 36; section 38 was amended by paragraph 6 of Schedule 2 to the Northern Ireland Act 1982 (c. 38).
(2) 1974 c. 28.
(3) 1972 c. 10 (N.I.).

“(4A) A mechanically propelled vehicle shall not be chargeable with any duty under this Act at a time when it is used or kept on a road by a health and social services body, as defined in Article 7(6) of the Health and Personal Social Services (Northern Ireland) Order 1991(4), or a Health and Social Services trust established under that Order.”

Amendment of the House of Commons Disqualification Act 1975

3. In Schedule 1 to the House of Commons Disqualification Act 1975(5) in Part III—
- (a) in the entry beginning “Chairman of a Health and Social Services Board” after “Chairman” there shall be inserted “or any member, not being also an employee,”;
 - (b) after that entry there shall be inserted the following entry—

“Chairman or non-executive director of a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991.”

Amendment of the National Health Service (Scotland) Act 1978

4.—(1) The National Health Service (Scotland) Act 1978(6) shall have effect subject to the following provisions of this Article.

(2) In section 17A(1)(b) for “paragraphs (f) to (m)” there shall be substituted “paragraphs (f) to (q)”.

(3) In section 17A(2) the word “and” at the end of paragraph (1) is hereby repealed and after paragraph (m) there shall be added the following paragraphs—

- “(n) the Northern Ireland Central Services Agency for the Health and Social Services established under the Health and Personal Social Services (Northern Ireland) Order 1972(7);
- (o) special health and social services agencies established under the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990(8);
- (p) Health and Social Services trusts established under the Health and Personal Social Services (Northern Ireland) Order 1991; and
- (q) the Department of Health and Social Services for Northern Ireland.”

(4) In section 17A after subsection (9) there shall be added the following subsection—

“(10) Where a body mentioned in subsection (2)(1), (n), (o), (p) or (q) is a party or prospective party to an arrangement or proposed arrangement which—

- (a) falls within subsection (1); and
- (b) also falls within the definition of HSS contract in Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1991,

subsections (4) to (9) shall apply in relation to that arrangement or proposed arrangement with the substitution for references to the Secretary of State of references to the Secretary of State and the Department of Health and Social Services for Northern Ireland acting jointly.”

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

(5) 1975 c. 24.

(6) 1978 c. 29; sections 17A and 17B were inserted by section 30 of the National Health Service and Community Care Act 1990 (c. 19); Schedule 7A was inserted by section 32 of that Act.

(7) S.I. 1972/1265 (N.I. 14).

(8) S.I. 1990/247 (N.I. 3).

(5) In section 17B(4) at the end there shall be added “and the reference to a function of a Health and Social Services Board is a reference to a primary function of such a Board within the meaning of Article 9 of the Health and Personal Social Services (Northern Ireland) Order 1991”.

(6) In Schedule 7A in paragraph 22(1) at the end of paragraph (c) there shall be added “or is within the primary functions of a Health and Social Services Board within the meaning of Article 9 and Health and Personal Social Services (Northern Ireland) Order 1991” and after “or Authority” there shall be inserted “or Health and Social Services Board”.

Amendment of the Value Added Tax Act 1983

5. In section 27 of the Value Added Tax Act 1983(9)—

(a) in subsection (4) after “Northern Ireland department” there shall be inserted “, a Northern Ireland health and social services body”;

(b) after subsection (5) there shall be added the following subsection—

“(6) In subsection (4) “Northern Ireland health and social services body” means—

(a) a health and social services body as defined in Article 7(6) of the Health and Personal Social Services (Northern Ireland) Order 1991; and

(b) a Health and Social Services trust established under that Order.”.

Amendment of the Income and Corporation Taxes Act 1988

6. In Section 519A of the Income and Corporation Taxes Act 1988(10) in subsection (2) the word “and” at the end of paragraph (g) is hereby repealed and after paragraph (h) there shall be added the following paragraphs—

“(i) a Health and Social Services Board and the Northern Ireland Central Services Agency for the Health and Social Services established under Articles 16 and 26 respectively of the Health and Personal Social Services (Northern Ireland) Order 1972;

(j) a special health and social services agency established under the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990; and

(k) a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991.”.

Amendment of the National Health Service and Community Care Act 1990

7.—(1) The National Health Service and Community Care Act 1990(11) shall have effect subject to the following provisions of this Article.

(2) In section 3 after subsection (6) there shall be inserted the following subsection—

“(6A) The reference in subsection (6) above to a function of a health board shall, in relation to a Health and Social Services Board constituted under the Health and Personal Social Services (Northern Ireland) Order 1972, be construed as a reference to a primary function of such a Board within the meaning of Article 9 of the Health and Personal Social Services (Northern Ireland) Order 1991.”.

(3) In section 4(2) the word “and” at the end of paragraph (h) is hereby repealed and after paragraph (i) there shall be added the following paragraphs—

(9) 1983 c. 55; subsection (5) was added by section 61(4) of the National Health Service and Community Care Act 1990 (c. 19).

(10) 1988 c. 1; section 519A was inserted by section 61(1) of the National Health Service and Community Care Act 1990 (c. 19).

(11) 1990 c. 19.

- “(j) the Northern Ireland Central Services Agency for the Health and Social Services established under the Health and Personal Social Services (Northern Ireland Order 1972;
- (k) a special health and social services agency established under the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990;
- (l) a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991; and
- (m) the Department of Health and Social Services for Northern Ireland.”
- (4) In section 4(9), sub-paragraph (b) and the word “and” immediately before it are hereby repealed.
- (5) In section 4 after subsection (9) there shall be added the following subsection—
- “(10) Where a Health and Social Services Board constituted under the Health and Personal Social Services (Northern Ireland) Order 1972 or a body mentioned in subsection (2)(j), (k), (l) or (m) above is a party or prospective party to an arrangement or proposed arrangement which—
- (a) falls within the definition of NHS contract in subsection (1) above; and
- (b) also falls within the definition of HSS contract in Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1991,
- subsections (3) to (8) above shall apply in relation to that arrangement or proposed arrangement with the substitution for references to the Secretary of State of references to the Secretary of State and the Department of Health and Social Services for Northern Ireland acting jointly.”
- (6) In section 61(3) after “1978” there shall be inserted “or to a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991”.
- (7) In section 62 after subsection (7) there shall be added the following subsection—
- “(8) In the application of this section to Northern Ireland—
- (a) references to the Health Ministers in subsections (1)(a) and (3)(d) shall be construed as including references to the Department of Health and Social Services for Northern Ireland;
- (b) “health service body” means—
- (i) a Health and Social Services Board established under the Health and Personal Social Services (Northern Ireland) Order 1972;
- (ii) the Northern Ireland Central Services Agency for the Health and Social Services established under that Order;
- (iii) a special health and social services agency established under the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990; and
- (iv) a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991;
- (c) “services” means health services provided—
- (i) by a health service body under Part II or V of the Health and Personal Social Services (Northern Ireland) Order 1972; or
- (ii) pursuant to an HSS contract, as defined in Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1991.”
- (8) In section 67(5) for “and 61” there shall be substituted “, 61 and 62”.

(9) In Schedule 2 in paragraph 19 after sub-paragraph (1) there shall be inserted the following sub-paragraph—

“(1A) The reference in sub-paragraph (1) above to a function of a health board shall, in relation to a Health and Social Services Board constituted under the Health and Personal Social Services (Northern Ireland) Order 1972, be construed as a reference to a primary function of such a Board within the meaning of Article 9 of the Health and Personal Social Services (Northern Ireland) Order 1991.”.

G. I. de Deney
Clerk of the Privy Council

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to certain Acts applying in England and Wales, Scotland, Northern Ireland and the United Kingdom as a whole, being amendments consequential on the Health and Personal Social Services (Northern Ireland) Order 1991.