



2009 CHAPTER 1

The Regional Board

The Regional Health and Social Care Board

7.—(1) There shall be a body corporate to be known as the Regional Health and Social Care Board.

(2) Schedule 1 applies in relation to the Regional Board.

Functions of the Regional Board

8.—(1) The Regional Board shall exercise on behalf of the Department—

- (a) such functions as are transferred to it by section 24; and
- (b) such other functions of the Department (including functions imposed under an order of any court) with respect to the administration of health and social care as the Department may direct.

(2) The Regional Board must exercise its functions with the aim of—

- (a) improving the performance of HSC trusts, by reference to such indicators of performance as the Department may direct; and
- (b) establishing and maintaining effective systems—
 - (i) for managing the performance of HSC trusts;
 - (ii) for commissioning health and social care;
 - (iii) for ensuring that resources are used in the most economic, efficient and effective way in commissioning such care.

(3) The Regional Board must in respect of each financial year prepare and publish a document (“the commissioning plan”) setting out such details as the Department may direct concerning—

- (a) the health and social care which the Board is to commission in that year; and
 - (b) the costs to be incurred in that regard.
- (4) The Regional Board—
- (a) must, in drawing up the commissioning plan, consult the Regional Agency and have due regard to any advice or information provided by it; and
 - (b) must not publish a commissioning plan unless it has been approved by the Regional Agency.
- (5) The functions mentioned in subsection (1)(a) and any function conferred on the Regional Board by any other statutory provision (whenever passed or made) are deemed to be functions which the Department has directed the Regional Board to exercise under subsection (1)(b).
- (6) For the purposes of carrying out its functions the Regional Board may, on behalf of the Department, exercise the Department's general power under section 3.
- (7) It is the duty of the Regional Board to carry out its functions in the manner which it considers is best calculated to discharge the Department's general duty under section 2(1).
- (8) Subsections (6) and (7) apply subject to any directions given to the Regional Board by the Department under section 6.

Local Commissioning Groups

- 9.—(1) The Regional Board shall in accordance with paragraph 7 of Schedule 1 appoint a prescribed number of committees to be called "Local Commissioning Groups".
- (2) Each Local Commissioning Group shall exercise its functions as regards such area of Northern Ireland as may be prescribed.
- (3) Each Local Commissioning Group shall exercise—
- (a) such functions with respect to the commissioning of health and social care as may be prescribed; and
 - (b) such other functions as the Regional Board may, with the agreement of the Department, determine.
- (4) Each Local Commissioning Group must—
- (a) exercise its functions in accordance with any scheme for the time being having effect under Article 18 of the Order of 1972; and
 - (b) in connection with the exercise of its functions—
 - (i) work in collaboration with the Regional Agency and have due regard to any advice or information provided by it; and

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(ii) undertake such consultation as the Department may direct.

(5) Each Local Commissioning Group must exercise its functions with the aim of—

- (a) improving the health and social well-being of people in the area as regards which the Local Commissioning Group exercises its functions;
- (b) planning and commissioning health and social care to meet the needs of people in that area;
- (c) securing the delivery to people in that area of health and social care that is efficient, co-ordinated and cost-effective;
- (d) improving the availability and quality of health and social care in that area.

(6) Regulations may—

- (a) make provision for the membership of Local Commissioning Groups;
- (b) modify the application of paragraphs 7 to 11 of Schedule 1 in relation to those Groups;
- (c) make such further provision in relation to those Groups as the Department considers appropriate.

(7) Before making regulations under subsection (6), the Department must consult the Regional Board.

Power of Regional Board to give directions and guidance to HSC trusts

10.—(1) The Regional Board may give directions of a general or specific nature to an HSC trust as to the carrying out by that trust of any of its functions.

(2) The Regional Board may give guidance to an HSC trust as to the carrying out by that trust of any of its functions.

(3) The Regional Board must—

- (a) consult the HSC trust concerned, and
- (b) obtain the approval of the Department,

before giving any directions under subsection (1).

(4) Where the Regional Board is of the opinion that because of the urgency of the matter it is necessary to give directions under subsection (1) without consulting the HSC trust concerned—

- (a) subsection (3)(a) does not apply; but
- (b) the Regional Board must as soon as reasonably practicable give notice to the HSC trust concerned of the grounds on which the Regional Board formed that opinion.

(5) The Regional Board must not give any direction under subsection (1) or any guidance under subsection (2) that would be inconsistent with—

- (a) the framework document; or
 - (b) any direction given to the HSC trust by the Department under paragraph 6 of Schedule 3 to the [Health and Personal Social Services \(Northern Ireland\) Order 1991 \(NI 1\)](#).
- (6) It is the duty of an HSC trust—
- (a) to comply with any directions given to it under subsection (1);
 - (b) to have regard to any guidance given to it under subsection (2).

(7) The Department may by regulations provide that this section is to apply, subject to such modifications as may be prescribed, in relation to any prescribed body exercising on behalf of the Regional Board such functions as may be prescribed.

Provision of information, etc. to Regional Board by HSC trusts

11.—(1) Part 2 of Schedule 3 to the [Health and Personal Social Services \(Northern Ireland\) Order 1991 \(NI 1\)](#) (duties, powers and status of HSC trusts) is amended as follows.

(2) After paragraph 6 insert—

“**6A.—**(1) An HSC trust shall record such information with respect to the exercise of its functions as the Regional Board may direct.

(2) Information shall be recorded in such form, and retained for such period, as the Regional Board may direct.

(3) An HSC trust shall furnish to the Regional Board such reports, returns and other information as the Regional Board may require.

(4) In sub-paragraph (3) the reference to reports, returns and other information includes any report, return or other information that an HSC trust is required to provide to the Department under paragraph 7 or 8.”