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*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Reform) Act (Northern Ireland) 2009, SCHEDULE 4. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 4

Section 16.

#### THE PATIENT AND CLIENT COUNCIL

##### *Status*

1.—(1) The Patient and Client Council (in this Schedule referred to as “the Council”) shall not be regarded—

- (a) as the servant or agent of the Crown; or
- (b) as enjoying any status, immunity or privilege of the Crown.

(2) The property of the Council shall not be regarded as property of, or held on behalf of, the Crown.

(3) Subject to the provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to the Council.

##### *General powers*

2.—(1) The Council may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.

(2) But the Council may not borrow money.

##### *Membership*

3 The Council shall consist of a Chair and other members appointed by the Department.

##### *Remuneration and allowances*

4.—(1) The Council shall pay to its members such remuneration and allowances as the Department may determine.

(2) A determination of the Department under this paragraph requires the approval of the Department of Finance and Personnel.

##### *Appointment, procedure etc.*

5 Regulations may make provision as to—

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- (a) the appointment of the Chair and other members of the Council (including the number, or limits on the number, of members who may be appointed and any conditions to be fulfilled for appointment);
- (b) the tenure of office of the Chair and other members (including the circumstances in which they cease to hold office or may be removed or suspended from office);
- (c) the appointment of, constitution of, and exercise of functions by, committees and sub-committees (including committees and sub-committees which consist of or include persons who are not members of the Council);
- (d) the procedure of the Council and any committees or sub-committees (including the validation of proceedings in the event of vacancies or defects in appointment);
- (e) the staff, premises and expenses of the Council;
- (f) such other matters in connection with the Council as the Department thinks fit.

#### Commencement Information

- II** Sch. 4 para. 5 wholly in operation at 1.4.2009; Sch. 4 para. 5 in operation for certain purposes at Royal Assent see s. 34(2)(e); Sch. 4 para. 5 in operation at 1.4.2009 insofar as not already in operation by S.R. 2009/114, art. 2

#### *The chief officer*

**6.—**(1) There shall be a chief officer of the Council who shall be a member of the staff of the Council and shall be responsible to the Council for the general exercise of its functions.

(2) Subject to regulations made under paragraph 5(e)—

- (a) the first chief officer shall be appointed by the Department, and
- (b) any subsequent chief officer shall be appointed by the Council.

#### *Application of the seal*

**7** The application of the seal of the Council shall be authenticated by the signature—

- (a) of any member of the Council; and
- (b) of any other person who has been authorised by the Council (whether generally or specifically) for that purpose.

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### *Execution of documents*

8.—(1) Any document which if executed by an individual would not require to be executed as a deed may be executed on behalf of the Council by any person generally or specially authorised by the Council for that purpose.

(2) In any legal proceedings any document purporting to have been so executed on behalf of the Council shall be deemed to be so executed until the contrary is proved.

### *Finance*

9.—(1) The Department may make payments to the Council out of money appropriated for the purpose.

(2) Payments under this paragraph shall be made on such terms and conditions as the Department may determine.

(3) Subject to sub-paragraph (4), the Council must pay to the Department all sums received by it in the course of, or in connection with, the carrying out of its functions.

(4) Sub-paragraph (3) does not apply to such sums, or sums of such description, as the Department may, with the approval of the Department of Finance and Personnel, direct.

(5) Any sums received by the Department under sub-paragraph (3) shall be paid into the Consolidated Fund.

### *Accounts*

10.—(1) The Council shall—

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall—

- (a) be in such form; and
- (b) contain such information,

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) The Council shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General.

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- (4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on every statement of accounts received from the Council under this paragraph; and
  - (b) send a copy of any such report to the Department.
- (5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

#### *Annual report*

- 11.**—(1) The Council shall within such period after the end of each financial year as the Department may direct, prepare and send to the Department a report in such form, and containing such information, as may be prescribed.
- (2) The Council shall publish any report prepared under sub-paragraph (1) in such manner as the Department may direct.
- (3) The Department shall lay a copy of the report before the Assembly.

#### **Commencement Information**

- I2** [Sch. 4 para. 11](#) wholly in operation at 1.4.2009; [Sch. 4 para. 11](#) in operation for certain purposes at Royal Assent see [s. 34\(2\)\(e\)](#); [Sch. 4 para. 11](#) in operation at 1.4.2009 insofar as not already in operation by [S.R. 2009/114](#), [art. 2](#)

#### *Interpretation*

- 12** In paragraphs 10 and 11—
- “Comptroller and Auditor General” means the Comptroller and Auditor General for Northern Ireland;
- “financial year” means—
- (a) the period beginning with the day on which the Council is established and ending on the next following 31st March; and
  - (b) each subsequent period of 12 months ending on 31st March.

#### *Information*

- 13** The Council shall at such times as the Department may direct—
- (a) provide the Department with such information, and
  - (b) permit the Department to inspect and take copies of such documents,
- relating to the Council's functions as the Department may direct.

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### *Default powers of Department*

**14.—(1)** The powers conferred by this paragraph are exercisable by the Department if it is satisfied that the Council has without reasonable excuse failed to discharge any of its functions adequately or at all.

**(2)** The Department may—

- (a) make an order declaring the Council to be in default; and
- (b) direct the Council to discharge such of its functions, in such manner and within such period or periods, as may be specified in the direction.

**(3)** If the Council fails to comply with the Department's direction under subparagraph (2), the Department may—

- (a) discharge the functions to which the direction relates itself; or
- (b) make arrangements for any other person to discharge those functions on its behalf.

#### **Commencement Information**

- I3** [Sch. 4 para. 14](#) wholly in operation at 1.4.2009; [Sch. 4 para. 14](#) in operation for certain purposes at Royal Assent see [s. 34\(2\)\(e\)](#); [Sch. 4 para. 14](#) in operation at 1.4.2009 insofar as not already in operation by [S.R. 2009/114](#), [art. 2](#)

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