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STATUTORY INSTRUMENTS

1972 No. 1265 (N.I. 14)

Health and Personal Social Services (Northern Ireland) Order 1972

- - - - [14th August 1972]

HEALTH AND PERSONAL SOCIAL SERVICES (NORTHERN IRELAND) ORDER 1972

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Arts. 22, 23 rep. by 1986 NI 24

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Art. 102 rep. by 1995 NI 2
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Administrative and Supplemental Art. 104 rep. by 1986 NI 24...

Administrative and Supplemental

- Art. 104 rep. by 1986 NI 24
- 105. Arbitration
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SCHEDULE 1 —

PART I — THE CONSTITUTION OF THE HEALTH AND SOCIAL SERVICES BOARDS

- 1. A Health and Social Services Board shall be a body corporate with perpetual succession to
- 2. A Health and Social Services Board shall, notwithstanding that it is exercising functions on behalf
- 3. A Health and Social Services Board shall consist of—a chairman appointed by the Head of
- 4. The term of office of members of a Health and Social Services Board appointed under
- 5. A member of a Health and Social Services Board appointed under paragraph 3(1)(a) or (b)—may
- 6. The proceedings of a Health and Social Services Board or of any committee thereof shall

PART II — SUPPLEMENTARY PROVISIONS AS TO THE HEALTH AND SOCIAL SERVICES BOARDS

Acquisition, etc., of land

- 7. Subject to Part X and paragraph 2(d) of Schedule 9, so much of section

Committees

- 8. Sub#para. (1) rep. by 1986 NI 24. , a Health

Sub-committees

- 9. A Health and Social Services Board, or a committee appointed by such a Board, may,

Procedure

10. Each Health and Social Services Board shall make standing orders with regard to its procedure

Disclosure of pecuniary, etc., interests and related provisions

11. Subject to sub-paragraph (2), sections 28 to 33 and 146 of the Local Government Act

Officers

12. The qualifications, remuneration and conditions of service of officers of a Health and Social Services

The seal Execution of contracts and instruments not under seal

13. The seal of a Health and Social Services Board shall be authenticated by the signatures
14. Any contract or instrument which, if entered into or executed by an individual, would not
15. Regulations may make provision (including provision modifying this Schedule) to deal with cases where the

— Schedule 2 rep. by 1986 NI 24

SCHEDULE 3 —

PART I — THE CONSTITUTION OF THE AGENCY

1. The Agency shall be a body corporate with perpetual succession to which section 19 of
2. The Agency shall, notwithstanding that it is exercising functions on behalf of the Ministry or
3. Subject to sub-paragraph (2), the Agency shall consist of a chairman, vice-chairman and such number
4. The Ministry may, by regulations, make provision for—the appointment, tenure, and vacation of office, of
5. The proceedings of the Agency or of any committee thereof shall not be invalidated by

PART II — SUPPLEMENTARY PROVISIONS AS TO THE AGENCY

Acquisition, etc., of land

6. So much of section 19 of the Interpretation Act (Northern Ireland) 1954 as relates to

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Committees

7. The Agency shall, subject to sub-paragraph (5), appoint such committees as the Ministry may determine. Without

Sub-committees

8. The Agency, or a committee appointed by the Agency, may, subject to sub-paragraph (3), appoint

Procedure

9. The Agency shall make standing orders with regard to its procedure (including the fixing of

Disclosure of pecuniary, etc., interests and related provisions

10. Sections 28 to 33 and 146 of the Local Government Act (Northern Ireland) 1972 and

Officers

11. The qualifications, remuneration and conditions of service of officers of the Agency shall be determined

The seal

12. The seal of the Agency shall be authenticated by the signatures of at least one

Execution of contracts and instruments not under seal

13. Any contract or instrument which, if entered into or executed by an individual, would not

— Schedule 4 rep. by 1991 NI 1

— Schedule 5 rep. by 1992 NI 20

SCHEDULE 6 — REMOVAL TO SUITABLE PREMISES OF PERSONS IN NEED OF CARE AND ATTENTION

1. Where an officer, being a social worker, of the responsible authority (a) has reason to...
2. (1) Subject to sub-paragraph (2), on any such application the court may, if satisfied on...

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3. An order under paragraph 2 may be made so as to authorise a person's detention...
4. An order under paragraph 2 may be varied by an order of the court so...
5. At any time after the expiration of six weeks from the making of an order...
6. An application under this Schedule shall not be entertained by the court unless, three clear...
7. A person in respect of whom an application is made under this Schedule, and any...
8. Where the premises in which a person is maintained under this Schedule are premises which...
9. Any expenditure incurred by the responsible authority under paragraph 8 shall be recoverable by the...
10. Any person who wilfully disobeys, or obstructs the execution of, an order under paragraph 2...
11. In the exercise of its functions under this Schedule the responsible authority shall act in...
12. In this Schedule— (a) “responsible authority” means— (i) in relation to a person who resides...

SCHEDULE 7 — MODIFICATIONS OF SCHEDULE 6 TO THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972 FOR THE PURPOSES OF ARTICLE 48

1. References to the Ministry or to the council shall be construed as references to the...
2. References to the said Schedule 6 shall be construed as references to that Schedule as...
3. Paragraph 1 shall be omitted.
4. In paragraph 2— (a) for the words from the beginning to “directs,” there shall be...
5. In paragraph 3(1)(ii) for the word “refuse” there shall be substituted the words “decide...”
6. In paragraph 4 the words from “and may provide” to the end of the paragraph...
7. In paragraph 5— (a) in sub-paragraph (1)(a) the words “in the prescribed form...”
8. In paragraph 6(2) for the words “fund out of which the expenses of the council...”
9. In paragraph 11(3) the words “in the prescribed form” shall be omitted.
10. In paragraph 12— (a) in sub-paragraph (1) the word “such” and the words “as may...”
11. In paragraph 14(1) the words “in the prescribed form” shall be omitted.
12. In paragraph 15(1) for the words “in the prescribed form” there shall be substituted the...
13. Paragraph 19 shall be omitted.
14. In paragraph 20, sub-paragraph (2) shall be omitted.

— Schedule 8 rep. by 2005 c. 12

SCHEDULE 9 — PROVISION FOR MAKING LOANS TO GENERAL MEDICAL PRACTITIONERS

1. The Ministry, with the approval of the Ministry of Finance, may by order empower the...

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2. Without prejudice to the generality of paragraph 1, an order under this Schedule may make...
3. An order shall not be made under this Schedule unless and until a draft thereof...
4. Where it is shown to the satisfaction of the Ministry that, taking one year with...
5. Where an order under this Schedule authorises the Ministry of Finance to guarantee the payment...

SCHEDULE 10 — PROHIBITION OF SALE OF MEDICAL PRACTICES
— Sale of medical practices

(1) (1) It is unlawful to sell the goodwill of the medical practice of a...

1. (1) It is unlawful to sell the goodwill of the medical practice of a person...

Prohibition, and certificate of Health and Social Services Board

2. (1) Any person who sells or buys the goodwill of a medical practice which it...

Certain transactions deemed sale of goodwill

3. (1) For the purposes of paragraphs 1 and 2, a disposal of premises previously used...

Carried-over goodwill

4. The fact that a person's medical practice was previously carried on by another person who...

SCHEDULE 11 — DISQUALIFICATION OF PERSONS PROVIDING PART VI SERVICES
PART I — THE TRIBUNAL

The Tribunal: general provisions

1. (1) There shall continue to be a tribunal (“the Tribunal”) constituted in accordance with...

The Tribunal: supplementary

2. (1) Where an ophthalmic optician is a body corporate, the body corporate is to be...

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Powers of the Tribunal

3. (1) Sub-paragraph (2) applies where the Tribunal is of the opinion— (a) on inquiring into...

Conditional disqualification

4. (1) The functions of making disqualifications under paragraph 3 include making a conditional disqualification, that...

Review etc. of disqualification

5. (1) The Tribunal may review any disqualification, conditional disqualification or declaration of unfitness— (a) if...

Appeals

6. Any person aggrieved by any determination of the Tribunal under this Part may appeal to...

Disqualification provisions in Scotland or England and Wales

7. (1) Where— (a) under or by virtue of any provisions in force in Scotland or...

Regulations

8. (1) Regulations shall make provision— (a) for inquiries under this Schedule to be held in...

Applications for interim suspension

9. (1) A Health and Social Services Board which has made representations under paragraph 1 may,...

Suspension pending appeal

10. (1) Where, on disposing of a case under paragraph 3, the Tribunal makes a general...

Paragraphs 9 and 10: procedure

11. (1) Before making a direction under paragraph 9(3) or 10(1) in relation to any person,...

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Suspension provisions in Scotland or England and Wales

12. (1) This paragraph applies where it appears to the Department that there is provision in...

Payments in consequence of suspension

13. (1) Regulations may provide for the making to persons to whom paragraph 9(5) or 12(2)...

Removal of persons from list

14. Where any of the services mentioned in paragraph 1(8)(a) to (e) is administered pursuant to...

PART II — CONSTITUTION OF THE TRIBUNAL

Membership

15. The Tribunal shall consist of— (a) a chairman appointed by the Lord Chief Justice; (b)...

Chairman and deputy chairman

16. A person appointed as the chairman or a deputy chairman shall be either a barrister-at-law...

Other members of the Tribunal

17. (1) Any appointment for the purposes of paragraph 15(c) shall be made after consultation with...

Functions of the Tribunal

18. (1) The functions of the Tribunal shall be exercised by three members consisting of— (a)...

Regulations

19. Regulations may provide for the appointment, tenure of office and vacation of office of members...

SCHEDULE 12 — FORMER DISPENSARY PROPERTY, ETC.

1. Where a medical practitioner was in occupation of any dispensary residence immediately before the 5th...

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2. Notwithstanding anything in any transferred provision, or in any conveyance, trust deed or other instrument...
3. Where the Ministry is satisfied that any property to which this Schedule applies (other than...
4. The Ministry shall, before disposing of any such property, notify the district council for the...
5. If the district council which has been notified pursuant to paragraph 4, by resolution duly...
6. A district council to which the interests, rights or liabilities in any property are transferred...
7. Where, under paragraph 3 or 6, any property is disposed of by the Ministry or...
8. Any district council by which any money is received under paragraph 7 in pursuance of...

SCHEDULE 13 —

1. An order under Article 76(1) may include provision—for the manner in which it is to
2. Where an order makes provision as mentioned in paragraph 1(f) the order shall be

SCHEDULE 14 — ENDOWMENTS OF CERTAIN HOSPITALS

1. Any endowment to which this Schedule applies shall, notwithstanding anything contained in any enactment or...
2. Where the Health and Social Services Board is satisfied that it has become impracticable or...

SCHEDULE 15 — CHARGES IN RESPECT OF CERTAIN SERVICES, AND OTHER RELATED MATTERS

— (1) Regulations made with the approval of the Ministry of Finance may provide— (a) for...

1. Regulations made with the approval of the Ministry of Finance may provide — (a) for the...
- 1A (1) Subject to the following provisions of this paragraph, regulations made with the approval of...
- 1B (1) Descriptions of persons may be prescribed for the purposes of paragraph 1(b) by reference...
2. Regulations made under paragraph 1 may provide that sums which would otherwise be payable by...
- 2A (1) The Department shall by regulations provide for payments to be made by the Department...
3. Subject to paragraph 4, any charges under this Order shall, without prejudice to any other...
4. Any person entitled to recover charges under this Order may, by agreement with the governing...
5. (1) Where goods or services are provided under this Order and either— (a) any charge...
6. (1) Regulations may provide that, where a person fails to pay— (a) any amount recoverable...
7. (1) A person is guilty of an offence if he does any act mentioned in...
9. Without prejudice to any other provision of this Schedule, it shall be lawful for the...

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10. Nothing in Article 98(1) shall operate to restrict the making of provision under this Schedule...

SCHEDULE 15A — DENTAL CHARGING: EXEMPTIONS

General exemptions

1. (1) No charge is to be made under regulations under paragraph 1A(1) of Schedule 15...

Repair and replacement

2. (1) No charge is to be made under regulations under paragraph 1A(1) of Schedule 15...

Exceptions to paragraphs 1 and 2

3. Paragraphs 1 and 2 do not apply in relation to— (a) the repair or replacement...

Hospital patients

4. No charge is to be made under regulations under paragraph 1A(1) of Schedule 15 in...
5. Paragraph 4 does not apply where an appliance is supplied— (a) under Article 60A(2); (b)...

Arrest of bleeding

6. No charge is to be made under regulations under paragraph 1A(1) of Schedule 15 in...

Declarations and evidence

7. Regulations may provide, with respect to any exemption under this Schedule, that it is to...

— Schedule 16—Amendments

SCHEDULE 17 — SAVING, TEMPORARY AND TRANSITIONAL PROVISIONS

— Exempted hospitals (1) (1) The repeal by this Order of paragraph 2(1) of Schedule 11...

Exempted hospitals

1. (1) The repeal by this Order of paragraph 2(1) of Schedule 11 to the Health...

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Recovery of certain loans

2. The repeal by this Order of paragraph 2 of Schedule 11 to the Health Services...

Saving for allowances, pensions, gratuities and compensation

3. The repeal of any enactment by this Order or by any enactment repealed by this...

Special provisions as to certain property

4. The Belfast City Council may exercise the power conferred on the Lord Mayor, Aldermen and...

Temporary provision as to compensation

5. (1) Where— (a) in accordance with any enactment mentioned in subparagraph (4), compensation has been...
Para. 6 rep. by 1978 NI 15

Saving for powers of Ministry of Development to dispose of former workhouse property

7. (1) The repeal of paragraph 1 of Schedule 3 to the Welfare Services Act (Northern...

Care of patients under Part III of Mental Health Act

8. Where immediately before [1st October, 1973] a hospital order or a guardianship order made...
Para. 9. rep. by 1995 NI 2

Saving for sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954

10. Nothing in this Order shall affect the provisions of sections 28 and 29 of the...

— Schedule 18—Repeals

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