

## SCHEDULES

### SCHEDULE 1

#### THE HEALTH AND SOCIAL SERVICES BOARDS

#### 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 which section 19 of the Interpretation Act (Northern Ireland) 1954 shall apply.

**2.** A Health and Social Services Board shall, notwithstanding that it is exercising functions on behalf of the Ministry or the Ministry of Home Affairs<sup>F1</sup>, be entitled to enforce any rights acquired and shall be liable in respect of any liabilities incurred (including liabilities in tort) in the exercise of those functions in all respects as if it were acting as a principal, and all proceedings for the enforcement of such rights or liabilities shall be brought by or against the Health and Social Services Board in its own name.

**F1** functions transf. by SRO (NI) 1973/504

[<sup>F2</sup>**3.**—(1) A Health and Social Services Board shall consist of—

- (a) a chairman appointed by the Head of the Department;
- (b) a prescribed number of persons appointed by the Head of the Department;
- (c) the chief officer of the Board;
- (d) such other officers as may be prescribed; and
- (e) not more than a prescribed number of other officers of the Board appointed by the chairman and the members specified in heads (b) and (c).

(2) Except in so far as regulations otherwise provide, no person who is an officer of the Board may be appointed under sub-paragraph (1)(a) or (b).

(3) Subject to sub-paragraph (4), regulations may provide that all or any of the persons appointed under sub-paragraph (1)(b) must fulfil prescribed conditions or hold posts of a prescribed description.

(4) In the case of a prescribed Board, at least one of the persons appointed under sub-paragraph (1)(b) must hold a post in a university with a medical or dental school.]

**F2** 1991 NI 1

**Status:** Point in time view as at 01/01/2006.

**Changes to legislation:** Health and Personal Social Services (Northern Ireland) Order 1972, PART I is up to date with all changes known to be in force on or before 01 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[<sup>F3</sup>4.—(1) The term of office of members of a Health and Social Services Board appointed under paragraph 3(1)(a), (b) or (e) shall be four years or such other period as may be determined by the Head of the Department at the time the appointments are made.

(2) A member of a Health and Social Services Board specified in paragraph 3(1)(c), (d) or (e) shall—

- (a) if he ceases to hold the qualifying office, cease to be a member of the Board;
- (b) if he is suspended from the qualifying office, be suspended from membership of the Board for so long as he remains suspended from that office.

(3) In sub-paragraph (2) “the qualifying office” in relation to a member of a Health and Social Services Board means the office under the Board which he held at the time he became a member of the Board.]

**F3** 1991 NI 1

[<sup>F4</sup>5.—(1) A member of a Health and Social Services Board appointed under paragraph 3(1)(a) or (b)—

- (a) may resign his membership by serving notice on the Head of the Department;
- (b) may be removed from office by the Head of the Department.

(2) A member of a Health and Social Services Board appointed under paragraph 3(1)(e) may be removed from office by the chairman and members specified in paragraph 3(1)(b) and (c).

(3) Where any member of a Health and Social Services Board—

- (a) is absent from the meetings of the Board for more than six months consecutively, except for an approved reason;
- (b) has been adjudged bankrupt or has made a composition or arrangement with his creditors; or
- (c) is convicted of an indictable offence,

the Board shall forthwith, by resolution, declare the office to be vacant and shall notify that fact in such manner as it thinks fit, and thereupon the office shall become vacant.

(4) In sub-paragraph (3)(a) “approved reason” means a reason approved—

- (a) in the case of members appointed under paragraph 3(1)(e), by the chairman and the members specified in paragraph 3(1)(b) and (c);
- (b) in the case of any other member, by the Department.

(5) Where the place of a member specified in paragraph 3(1)(a), (b) or (e) becomes vacant before the expiration of his term of office whether by death, resignation or otherwise, the vacancy shall be filled by appointment—

- (a) in the case of a member specified in paragraph 3(1)(a) or (b), by the Head of the Department;
- (b) in the case of a member specified in paragraph 3(1)(e), by the chairman and the members specified in paragraph 3(1)(b) and (c);

and any person so appointed shall hold office for the remainder of the term of office of the former member.]

**F4** 1991 NI 1

**Changes to legislation:** Health and Personal Social Services (Northern Ireland) Order 1972, PART I is up to date with all changes known to be in force on or before 01 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

6. The proceedings of a Health and Social Services Board or of any committee thereof shall not be invalidated by any vacancy in the membership of the Board or committee or by any defect in the appointment of any of its members.

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

Health and Personal Social Services (Northern Ireland) Order 1972, PART I is up to date with all changes known to be in force on or before 01 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.