

SCHEDULES

[^{F1}SCHEDULE 11

DISQUALIFICATION OF PERSONS PROVIDING PART VI SERVICES

F1 2001 c. 3 (NI)

PART I

THE TRIBUNAL

Conditional disqualification

4.—(1) The functions of making disqualifications under paragraph 3 include making a conditional disqualification, that is, a disqualification which is to come into effect only if the Tribunal determines (on a review under paragraph 5) that the person subject to the inquiry has failed to comply with any conditions imposed by the Tribunal.

(2) Conditions may be imposed by virtue of sub-paragraph (1) with a view to—

(a) removing any prejudice to the efficiency of the services in question; ^{F2} . . .

(b) preventing any acts or omissions within paragraph 1(7)(a),

[ensuring that the person

^{F3}(c) (i) performs^{F4}... only services specified (or of a description specified) in the condition;

(ii) undertakes an activity (or course of activity) of a personal or professional nature, or refrains from conduct of a personal or professional nature, so specified (or of a description so specified).]

(as the case may be).

(3) Conditions so imposed shall have effect when proceedings in the case are finally concluded.

(4) Paragraph 3(4) applies to a conditional disqualification as it applies to a disqualification.

(5) The Tribunal may by directions—

(a) vary the terms of service of the person subject to the inquiry (including terms imposed by regulations under Part VI of this Order);

[vary any requirements to which the person subject to the inquiry is subject under or by

^{F5}(aa) virtue of Article 57G [^{F6}or 61F] ;]

(b) confer functions on [^{F7}the Department] ,

for the purpose of or in connection with the imposition of any conditions by virtue of this paragraph.

(6) References in any statutory provision to a disqualification by the Tribunal do not include a conditional disqualification.]

Changes to legislation: *Health and Personal Social Services (Northern Ireland) Order 1972, Conditional disqualification is up to date with all changes known to be in force on or before 11 April 2024. 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) View outstanding changes*

- F2** Word in Sch. 11 para. 4(2)(a) repealed (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\)](#), ss. 11, 17, 18(1), Sch. 1 para. 4(2)(a), **Sch. 2 Pt. 1**
- F3** Sch. 11 para. 4(2)(c) inserted (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\)](#), ss. 11, 18(1)(a)(b), **Sch. 1 para. 4(2)(b)**
- F4** Words in Sch. 11 para. 4(2)(c)(i) repealed (13.6.2016) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016 \(c. 26\)](#), ss. 12(1)(n), 20(2), **Sch. 2 Pt. 1**
- F5** Sch. 11 para. 4(5)(aa) inserted (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\)](#), ss. 11, 18(1)(a)(b), **Sch. 1 para. 4(3)**
- F6** Words in Sch. 11 para. 4(5)(aa) substituted (13.6.2016) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016 \(c. 26\)](#), **ss. 12(1)(o)**, 20(2)
- F7** Words in Sch. 11 para. 4(5)(b) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), **Sch. 1 para. 53(4)**; S.R. 2022/102, art. 2(b)

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Changes and effects yet to be applied to :

- Instrument amended by [1995 c. 51 s.4Sch. para.30](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 56(4C)(4D) substituted by [S.I. 2002/3135 Sch. 1 para. 16](#) (This amendment has not been applied as it has been superceded by the substitution of art. 56 by 2004/311 NI 2 art. 3)
- art. 61-61E and art. 61F and cross-heading substituted for art. 61 by [2008 c. 2 \(N.I.\) s. 2\(2\)](#) (This amending provision is itself amended (13.6.2016) before it comes into force by 2016 c. 26 (N.I.), ss. 9, 20(2))
- art. 98(3) added by [2008 c. 2 \(N.I.\) s. 4\(1\)](#)
- art. 107(1A) inserted by [2008 c. 2 \(N.I.\) s. 4\(4\)\(b\)](#)