

SCHEDULES

SCHEDULE 2

Article 7(2).

PROVISIONS ARISING OUT OF REMOVAL OF CROWN IMMUNITIES FROM HEALTH AND SOCIAL SERVICES BODIES

PART I

AMENDMENTS CONTINUING CERTAIN STATUTORY EXEMPTIONS

The Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 (NI 6)

1. In Article 7 (employers exempted from compulsory insurance) after paragraph (a) there shall be inserted the following paragraph—

“(aa) a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991; or”

The Road Traffic (Northern Ireland) Order 1981 (NI 1)

2. In Article 90 (requirement of third-party insurance or security) after paragraph (2) there shall be inserted the following paragraph—

“(2A) This Article shall not apply to—

- (a) a motor vehicle owned by a health and social services body, as defined in Article 7(6) of the Health and Personal Social Services (Northern Ireland) Order 1991; or
- (b) an ambulance owned by a Health and Social Services trust established under that Order, at a time when the vehicle is being driven by a servant of the owner in the course of his employment, or is otherwise subject to the control of the owner.”.

The Copyright, Designs and Patents Act 1988 (c. 48)

3. In section 48 (material communicated to the Crown in the course of public business) in subsection (6) after “1978” there shall be inserted “and also includes a health and social services body, as defined in Article 7(6) of the Health and Personal Social Services (Northern Ireland) Order 1991, and a Health and Social Services trust established under that Order”.

PART II

TRANSITIONAL PROVISIONS

4. In this Part—

“the appointed day” means the day appointed for the coming into operation of paragraph (1) of Article 7;

“health and social services body” has the same meaning as in that Article.

The Medicines Act 1968 (c. 67)

- 5.—(1) In any case where—
- (a) before the appointed day, a health and social services body or an HSS trust has made an application for a licence under Part II of the Medicines Act 1968 or any such application as is referred to in section 36 of that Act (applications for clinical trial and animal test certificates), and
 - (b) the application was accompanied by a declaration under head (a) or head (b) of sub-paragraph (2), and
 - (c) the application has not been determined before the appointed day, then, on and after the appointed day and until the application is determined, the health and social services body or HSS trust concerned shall be treated for all purposes as if it held a licence or, as the case may be, a certificate of the description applied for.
- (2) The declarations referred to in sub-paragraph (1)(b) are,—
- (a) in the case of a health and social services body, that, at the date of the application, the body was carrying on activities which, after the appointed day, it would be unlawful to carry on except in accordance with a licence or certificate of the description applied for; and
 - (b) in the case of an HSS trust, that the trust has been established to assume responsibility for the ownership and management of a hospital or other establishment or facility and, at the date of the application, a health and social services body was carrying on at that hospital, establishment or facility activities which it is unlawful for the HSS trust to carry on except in accordance with a licence or certificate of the description applied for.
- (3) For the purposes of sub-paragraph (1), an application is determined when the licensing authority—
- (a) grant a licence or, as the case may be, certificate to the applicant (whether or not in accordance with the application); or
 - (b) notify the applicant of their refusal to grant a licence or certificate on the application.
- (4) Expressions used in sub-paragraphs (1) to (3) have the same meaning as in sections 18 to 22 of the Medicines Act 1968 (applications for, and grant of, licences), including, where applicable, any of those sections as applied by subsection (3) of section 36 of that Act in relation to applications falling within subsection (1) of that section.

The Planning (Northern Ireland) Order 1972 (NI 17)

- 6.—(1) This paragraph applies if—
- (a) before the appointed day, notice of any proposed development has been given to the Department of the Environment in accordance with arrangements relating to development by government departments; and
 - (b) the development relates to land which, at the time the notice was given, fell within Article 7(1)(a) or (b); and
 - (c) the proposed development has not been carried out before the appointed day.
- (2) So far as relates to the carrying out of the development of which notice was given as mentioned in sub-paragraph (1)(a), for the purposes of the arrangements so mentioned and of the Planning (Northern Ireland) Order 1972,—
- (a) the carrying out of the development shall continue to be regarded as being by or on behalf of the Crown; and
 - (b) so long as the interest of the Department in the land referred to in sub-paragraph (1)(b) continues on and after the appointed day to be held in fact by the Department or an HSS

trust, that interest shall be regarded as continuing to be an interest of, or held on behalf of, the Crown.

(3) Expressions used in sub-paragraphs (1) and (2) have the same meaning as in the Planning (Northern Ireland) Order 1972.

The Rent (Northern Ireland) Order 1978 (NI 20)

7.—(1) This paragraph applies to a tenancy—

- (a) which was entered into before the appointed day; and
- (b) which is of land which, immediately before the appointed day, was land falling within Article 7(1)(a) or (b).

(2) If and so long as the interest of the landlord under a tenancy to which this paragraph applies continues on and after the appointed day to belong in fact either to the Department or to an HSS trust, it shall be taken to belong to a government department for the purposes of Article 5(7)(b) of the Rent (Northern Ireland) Order 1978 (tenancy where landlord is government department not to be protected tenancy).

(3) Expressions used in sub-paragraphs (1) and (2) have the same meaning as in the Rent (Northern Ireland) Order 1978.

The Building Regulations (Northern Ireland) Order 1979 (NI 16)

8.—(1) If, immediately before the appointed day, approved work is proposed to be carried out by or on behalf of a Crown authority (whether or not in relation to a Crown building) the fact that, on or after the appointed day, the work may be carried out by or on behalf of a health and social services body or an HSS trust shall not prevent it continuing to be regarded for the purposes of the Building Regulations (Northern Ireland) Order 1979 as work carried out by a Crown authority.

(2) Subject to sub-paragraph (3), expressions used in sub-paragraph (1) have the same meaning as in Article 22 of the Building Regulations (Northern Ireland) Order 1979 (application to Crown).

(3) Any reference in sub-paragraph (1) to approved work is a reference to work in respect of which, before the appointed day, either a contract for carrying it out was entered into or all necessary design certificates were signed in accordance with arrangements relating to compliance with the substantive requirements of building regulations by Crown authorities.

The Fire Services (Northern Ireland) Order 1984 (NI 11)

9.—(1) Without prejudice to the continuing validity on and after the appointed day of any fire certificate issued before that day in accordance with Article 49(3) of the Fire Services (Northern Ireland) Order 1984 (certain functions in relation to premises occupied or owned by the Crown exercisable by the Department of Economic Development instead of by the Fire Authority for Northern Ireland), any application made, notice issued or other thing done before the appointed day to or by the Department of Economic Development, or a person authorised by it, in relation to premises held, used or occupied by a health and social services body, shall be treated on and after that day as if made, issued or done to or by the Fire Authority for Northern Ireland, or an authorised member of the fire brigade.

(2) Expressions used in sub-paragraph (1) have the same meaning as in the Fire Services (Northern Ireland) Order 1984.