

1991 No. 131 (C. 8)**HEALTH AND PERSONAL SOCIAL SERVICES****The Health and Personal Social Services (1991 Order)
(Commencement No. 1) Order (Northern Ireland) 1991**

Made 28th March 1991

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 1(2) and (4) of the Health and Personal Social Services (Northern Ireland) Order 1991(a), paragraph 2(1) of Schedule 1 to the Northern Ireland Act 1974(b) and of all other powers enabling it in that behalf, hereby makes the following order:

Citation and interpretation

1.—(1) This order may be cited as the Health and Personal Social Services (1991 Order) (Commencement No. 1) Order (Northern Ireland) 1991.

(2) In this order “the Order” means the Health and Personal Social Services (Northern Ireland) Order 1991, and any reference to a numbered Article or Schedule is to the Article of, or as the case may be, the Schedule to, the Order bearing that number.

Appointed days

2. The day appointed for the coming into operation of—

(a) the provisions of—

(i) Article 8 (health and social services contracts) and Article 9 (primary and other functions of Health and Social Services Boards and special agencies) only insofar as they relate to arrangements with any of the bodies or persons mentioned in Article 8(2)(g) to (j) for the provision of goods or services to or by any of the bodies or persons mentioned in Article 8(2)(a) to (e), and

(ii) Part II of Schedule 5 and Article 34 only insofar as they relate to the insertion of definitions of “Health and Social Services Board” and “health and social services contract” in Article 2(2) of the principal Order,

is 1st April 1991;

(b) the provisions of the Order specified in Part I of the Schedule, is 15th April 1991;

(a) S.I. 1991/194 (N.I. 1)
(b) 1974 c. 28

- (c) the provisions of the Order specified in Part II of the Schedule, is 1st May 1991;
- (d) Article 29(1)(c) and (2) (general medical services), is 1st January 1992;
- (e) the provisions of the Order specified in Part III of the Schedule, is 1st April 1992.

Saving provision

3. A Committee, which is recognised under Article 55(1)(a) of the principal Order (local representative committees) by the Department before 1st May 1991 (the date upon which Article 5 of the Order comes into operation), shall on or after that date be treated for the purposes of Article 55(1) as having been recognised by the Health and Social Services Board or, as the case may be, Health and Social Services Boards.

Sealed with the Official Seal of the Department of Health and Social Services on 28th March 1991.

(L.S.)

B. R. D. WHITE
Assistant Secretary

(a) Article 55(1) was substituted by Article 5 of the Health and Personal Social Services (Northern Ireland) Order 1991.

SCHEDULE

Article 2

PART I

Provisions of the Order relating to HSS trusts coming into operation on 15th April 1991

Provisions of the Order	Subject matter
Article 10	Health and Social Services trusts
Article 11	Transfer of staff to HSS trusts
Article 12	Supplementary provisions as to transfer of staff
Article 13	Transfer of assets and liabilities to HSS trusts
Article 14	Originating capital debt of, and other financial provisions relating to, HSS trusts
Article 15	Financial obligations of HSS trusts
Article 16	Trust funds and trustees for HSS trusts
Schedule 3	Health and Social Services trusts
Schedule 4	Financial provisions relating to HSS trusts
The following amendments in Part II of Schedule 5, and Article 34 so far as it relates to them—	Minor and consequential amendments
The Human Tissue Act (Northern Ireland) 1962(a)	
The Children and Young Persons Act (Northern Ireland) 1968(b)	
The Commissioner for Complaints Act (Northern Ireland) 1969(c)	
The Nursing Homes and Nursing Agencies Act (Northern Ireland) 1971(d)	
The amendments to the provisions of the Health and Personal Social Services (Northern Ireland) Order 1972(e) specified below—	
Article 2(2) (except for the definitions of “Health and Social Services Board” and “health and social services contract”)	
Article 45(1)	
Articles 52 to 54	
Articles 67 to 69	
Article 83	
Article 85	
Article 86(1)	
Article 97(1)	

- (a) 1962 c. 19 (N.I.)
 (b) 1968 c. 34 (N.I.)
 (c) 1969 c. 25 (N.I.)
 (d) 1971 c. 32 (N.I.)
 (e) S.I. 1972/1265 (N.I. 14)

Provisions of the Order	Subject matter
<p>Article 98(1) Schedule 15</p> <p>The Northern Ireland Assembly Disqualification Act 1975(a)</p> <p>The Industrial Relations (No. 2) (Northern Ireland) Order 1976(b)</p> <p>The Road Traffic (Northern Ireland) Order 1981(c)</p> <p>The Social Security (Northern Ireland) Order 1982(d)</p> <p>The Education and Libraries (Northern Ireland) Order 1986(e)</p> <p>The Mental Health (Northern Ireland) Order 1986(f)</p> <p>The Social Security (Northern Ireland) Order 1986(g)</p> <p>The AIDS (Control) (Northern Ireland) Order 1987(h)</p> <p>The Disabled Persons (Northern Ireland) Act 1989(i)</p> <p>The Opticians Act 1989(j)</p> <p>The following repeals in Part II of Schedule 6, and Article 35 so far as it relates to them—</p> <p>The Children and Young Persons Act (Northern Ireland) 1968, Section 129(2)</p> <p>The Health and Personal Social Services (Northern Ireland) Order 1978(k), Article 15, and in Schedule 1 paragraph 4</p> <p>The Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990(l), Article 5(3) and (4), (6) and (7) and (15)</p> <p>The Health and Personal Social Services (Northern Ireland) Order 1991(m), in Part I of Schedule 5, the amendments to Articles 53(1) and 97(1) of the principal Order</p>	<p>Repeals</p>

(a) 1975 c. 25

(b) S.I. 1976/2147 (N.I. 28)

(c) S.I. 1981/154 (N.I. 1)

(d) S.I. 1982/1084 (N.I. 16)

(e) S.I. 1986/594 (N.I. 3)

(f) S.I. 1986/595 (N.I. 4)

(g) S.I. 1986/1888 (N.I. 18)

(h) S.I. 1987/1832 (N.I. 18)

(i) 1989 c. 10

(j) 1989 c. 44

(k) S.I. 1978/1907 (N.I. 26)

(l) S.I. 1990/247 (N.I. 3)

(m) S.I. 1991/194 (N.I. 1)

PART II

Provisions of the Order coming into operation on 1st May 1991

Provisions of the Order	Subject matter
Article 5	Local representative committees
Article 23	Power of Boards, special agencies and HSS trusts to raise funds by appeals, collections, etc.
Article 24	Schemes for meeting losses and liabilities, etc. of certain health and social services bodies
Article 31	Pharmaceutical services

PART III

Provisions of the Order coming into operation on 1st April 1992

Provisions of the Order	Subject matter
Article 7	Removal of Crown immunities
Article 8 insofar as it is not already in operation	Health and social services contracts
Article 9 insofar as it is not already in operation	Primary and other functions of Health and Social Services Boards and special agencies
Article 21	Indicative amounts for doctors' practices
Article 22	Accounts and audit
Schedule 2	Provisions arising out of removal of Crown immunities from health and social services bodies
The following repeals in Part II of Schedule 6 and Article 35 so far as it relates to them—	Repeals
The Industrial Relations (Northern Ireland) Order 1976(a), Article 79(6)	(Removal of Crown immunity)
The Fire Services (Northern Ireland) Order 1984(b), Article 49(2)(b)	(Removal of Crown immunity)
The Health and Personal Social Services (Amendment) (Northern Ireland) Order 1986(c), Article 1(3), in Article 2(2) the definition of "the food legislation" and "the health and safety legislation", and Articles 3 and 4	(Removal of Crown immunity)
The Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990, Article 5(12), (13) and (14)	(Accounts and audit)
The Health and Personal Social Services (Northern Ireland) Order 1991, in Part I of Schedule 5, the amendments to Articles 90 and 92	(Accounts and audit)

(a) S.I. 1976/1043 (N.I. 16)

(b) S.I. 1984/1821 (N.I. 11)

(c) S.I. 1986/2023 (N.I. 20)

EXPLANATORY NOTE

(This note is not part of the Order)

This order provides for the coming into operation of provisions of the Health and Personal Social Services (Northern Ireland) Order 1991 ("the 1991 Order") on the following dates—

1st April 1991 for the provisions in—

Articles 8 and 9 only insofar as they relate to arrangements for the provision of goods or services between the Northern Ireland and Great Britain bodies or persons mentioned in Article 8(2),

Part II of Schedule 5 relating to the definitions of "Health and Social Services Board" and "health and social services contract";

15th April 1991 for the provisions in—

Articles 10 to 16 and Schedules 3 and 4, together with the associated amendments and repeals in Schedules 5 and 6, relating to HSS trusts;

1st May 1991 for the provisions in—

Article 5 relating to the recognition of local representative committees,

Article 23 relating to the ability of health and social services bodies to engage in fund-raising activities,

Article 24 relating to the meeting of losses and liabilities of health and social services bodies,

Article 31 which relates to the widening of the definition of pharmaceutical services;

1st January 1992 for the provisions in—

Article 29(1)(c) and (2) which relates to the number of doctors entering general medical practice;

1st April 1992 for the provisions in—

Article 7 and Schedule 2 relating to the removal of Crown immunity,

Articles 8 and 9 which relate to HSS contracts and the primary functions of Boards and special agencies, to the extent that they are not already in operation before that date,

Article 21 which relates to indicative prescribing amounts,

Article 22 which relates to the keeping and auditing of accounts, various provisions in Schedule 6 (repeals).

The order also contains a saving provision in connection with the coming into operation of Article 5 of the 1991 Order relating to the recognition of local representative committees.