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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 37**

**The Regulation and Improvement Authority (Appointments and Procedure) Regulations (Northern Ireland) 2004**

*The Chairman and Members*

**Disqualification for appointment**

**4.—(1)** The following persons are disqualified for appointment as chairman or as a member of the Authority –

- (a) a person who within 5 years of the day his appointment would otherwise have taken effect has been convicted whether in the United Kingdom or elsewhere of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months without the option of a fine;
- (b) a person who has been adjudged bankrupt or has made a composition or arrangement with his creditors;
- (c) a person who has been dismissed, otherwise than by reason of redundancy, from any paid employment with a health service body or a health and social services body;
- (d) a person whose tenure of office as chairman or as a member of a committee or sub-committee or a director of any public body, health service body or health and social services body has been terminated on the ground that –
  - (i) it was not in the interests of, or conducive to the good management of, that body, that he should continue to hold office;
  - (ii) it was not in the interests of the Health Service or the Health and Personal Social Services that he should continue to hold office;
  - (iii) the person failed without the consent of that body to attend its meetings for a continuous period of 3 months;
  - (iv) the person failed to declare a pecuniary interest or withdraw from consideration of any matter in respect of which he had a pecuniary interest;
- (e) a person who is employed by the Authority, the Northern Ireland Social Care Council<sup>(1)</sup>, the Northern Ireland Practice and Education Council<sup>(2)</sup> or any body exercising functions similar to those of the aforementioned bodies under legislation in force in the United Kingdom;
- (f) a person who is a chairman, member, director or employee of a health service body or a health and social services body;
- (g) a person whose application for registration under Part III of the Order, Parts II and III of the Registered Homes (Northern Ireland) Order 1992<sup>(3)</sup>, Part VIII of the Children (Northern

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<sup>(1)</sup> Established by the Health and Personal Social Services Act (Northern Ireland) 2001 c. 3 (N.I.)

<sup>(2)</sup> Established by the Health and Personal Social Services Act (Northern Ireland) 2002 c. 9 (N.I.)

<sup>(3)</sup> S.I.1992/3204 (N.I. 20)

Ireland) Order 1995(4), Part I of the Health and Personal Social Services Act (Northern Ireland) 2001(5), Part IV of the Care Standards Act 2000(6) or Part I of the Regulation of Care (Scotland) Act 2001(7), has been refused, or

- (i) whose registration has been suspended and the suspension has not been terminated; or
  - (ii) whose name has been removed from the register and not restored.
- (h) a person included in a list kept by the Secretary of State under section 1 of the Protection of Children Act 1999(8) (list of individuals considered unsuitable to work with children), section 81 of the Care Standards Act 2000 (list of individuals considered unsuitable to work with vulnerable adults), Article 1 of the Protection of Children (Scotland) Act 2003(9) or a list kept by the Department under Article 3 or 35 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003(10);
- (i) any employed or self-employed health care professional or employees of health care professionals;
- (j) a person whose registration as a health care professional has been withdrawn or suspended;
- (k) he holds a paid appointment or office with a trade union which represents the interests of members who are employed by a health service body or a health and social services body;
- (l) any person who has financial or related interests which prejudice the exercise of his duties.
- (2) For the purposes of paragraph (1)(a) –
- (a) the date of conviction shall be deemed to be the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its not being prosecuted; and
  - (b) there shall be disregarded –
    - (i) any conviction by or before a court outside the United Kingdom for an offence in respect of conduct which, if it had taken place in any part of the United Kingdom, would not have constituted an offence under the law in force in that part of the United Kingdom;
    - (ii) any sentence of imprisonment passed by such a court on a person who at the time the sentence was passed was under 21 years of age.
- (3) Where a person is disqualified because he has been adjudged bankrupt, the disqualification shall cease –
- (a) unless the bankruptcy order made against that person is previously annulled, on his discharge from bankruptcy; and
  - (b) if the bankruptcy order is so annulled, on the date of the order of annulment.
- (4) For the purposes of paragraph (1)(c) “dismissal” excludes dismissal which is established to have been unfair in industrial tribunal proceedings.
- (5) Where a person is disqualified because he made a composition or arrangement with his creditors, his disqualification shall cease –

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(4) S.I. 1995/755 (N.I. 2)

(5) 2001 c. 3 (N.I.)

(6) 2000 c. 14

(7) 2001 asp 8

(8) 1999 c. 14

(9) 2003 asp 5

(10) S.I. 2003/417 (N.I. 4)

- (a) except where sub-paragraph (b) applies, on the expiration of 3 years from the date on which the terms of the deed of composition or arrangement are fulfilled; or
- (b) where he pays his debts in full, on the day on which payment is completed.

(6) Subject to paragraph (7), a person who is disqualified under paragraph (1)(c) may, after the expiry of 2 years beginning on the date on which he was dismissed, apply in writing to the Department to remove that disqualification, and the Department may direct that that disqualification shall cease.

(7) Where the Department refuses an application to remove a disqualification, no further application may be made by that person until the expiry of the period of 2 years beginning with the date of the application and this paragraph shall apply to any subsequent application.

(8) In paragraph (1)(i), a “health care professional” means –

- (a) a medical practitioner or dental practitioner;
- (b) a nurse, midwife or health visitor registered in accordance with the Nursing and Midwifery Order 2001<sup>(11)</sup>;
- (c) a registered pharmacist;
- (d) an ophthalmic optician, other than a body corporate enrolled in the list kept under section 9 of the Opticians Act 1989<sup>(12)</sup>;
- (e) a person who is registered as a member of a profession to which the Professions Supplementary to Medicine Act 1960<sup>(13)</sup> extends;
- (f) a fully registered osteopath as defined by section 41 of the Osteopaths Act 1993<sup>(14)</sup>; or
- (g) a fully registered chiropractor as defined by section 43 of the Chiropractors Act 1994<sup>(15)</sup>.

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<sup>(11)</sup> S.I. 2002/253

<sup>(12)</sup> 1989 c. 44

<sup>(13)</sup> 1960 c. 66

<sup>(14)</sup> 1993 c. 21

<sup>(15)</sup> 1994 c. 17