

## **EXPLANATORY MEMORANDUM TO**

### **The Remuneration of the Chairman of the Northern Ireland Medical and Dental Training Agency Regulations (Northern Ireland) 2016**

**S.R. 2016 No. 365**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Health to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by Articles 89(1), 106(b) and 107(6) of the Health and Personal Social Services (Northern Ireland Order) 1972 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. To dispense with any grey area raised by the drafting of S.R.2004 No. 62, the Department of Health is now making provision for the chairman of Northern Ireland Medical and Dental Training Agency to be a prescribed person for the purposes of Article 89 (1) (b) of the 1972 Order; and therefore expressly a person the Department of Health may pay such remuneration as it, with the approval of the Department of Finance, determines.

#### **3. Background**

- 3.1. The Department of Health periodically receives notifications from Department of Finance regarding increases to remuneration rates paid to members of public bodies (this would include Chairmen and Non Executive Directors).
- 3.2. Upon receipt of these notifications, the Department of Health issues a Determination by means of a Finance Circular which provides detail on the new rates to be paid.
- 3.3. Article 89 (1) of the Health and Personal Social Services (NI) Order 1972 provides the Department of Health with the power to pay such remuneration and such allowances as it may, with the approval of the Department of Finance, determine to members of any body established or appointed under the 1972 Order or, a special agency; or, such other persons as may be prescribed.
- 3.4. An anomaly has been found in the Northern Ireland Medical and Dental Training Agency (Establishment and Constitution) Order (Northern Ireland) 2004 (S.R. 2004 No. 62) insofar as the chairman of the Northern Ireland Medical and Dental Training Agency (NIMDTA) has been excluded from the definition of “member”. That definition is for the purposes of the NIMDTA Constitution Order and, furthermore, Article 3(1) of S.R. 2004 No.62 states that, “The Agency shall consist of a chairman and five members appointed by the Department.”

- 3.5. The chairman of NIMDTA is not defined as a “member” for the purposes of the Constitution Order but, given Article 3(1) of that Order, may be considered a “member” in the wider sense used in Article 89(1) (a) of the 1972 Order.
- 3.6. To put the matter beyond doubt and dispense with any grey area raised by the drafting of S.R.2004 No. 62, the Department of Health is now making provision for the chairman of NIMDTA to be a prescribed person for the purposes of Article 89 (1) (b) of the 1972 Order; and therefore expressly a person the Department of Health may pay such remuneration as it, with the approval of the Department of Finance, determines.

#### **4. Consultation**

- 4.1. The Department carried out a consultation on a draft of the Statutory Rule which ran from 17 February 2016 until 13 April 2016 and which was targeted at the Department’s Arm’s Length Bodies.
- 4.2. The consultation attracted a total of 3 responses (NI Ambulance Service, NI Blood Transfusion Service and the Patient Client Council). No issues or concerns were raised in any of the responses received.

#### **5. Equality Impact**

- 5.1. Consideration has been given to compliance with section 75 of the Northern Ireland Act 1998. The policy will have no adverse differential impact on equality of opportunity.

#### **6. Regulatory Impact**

- 6.1. As the Statutory Rule will impose no additional cost on businesses, charities or the voluntary sector, a full Regulatory Impact Assessment has not been considered necessary.

#### **7. Financial Implications**

- 7.1. There will be no additional costs arising from the Statutory Rule.

#### **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. Consideration has been given to the human rights implications of these regulations. They are considered to be compatible within section 24 of the Northern Ireland Act 1998.

#### **9. EU Implications**

- 9.1. There are no EU implications in relation to the Statutory Rule.

#### **10. Parity or Replicatory Measure**

- 10.1. The measure does not replicate, nor maintain parity with, legislation in other administrations.

#### **11. Additional Information**

- 11.1. Not applicable.