

Status: Point in time view as at 01/04/2009.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Reform) Act (Northern Ireland) 2009, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 14.

THE REGIONAL BUSINESS SERVICES ORGANISATION

Status

- 1.—(1) RBSO shall not be regarded—
 - (a) as the servant or agent of the Crown; or
 - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The property of RBSO shall not be regarded as property of, or held on behalf of, the Crown.
- (3) Where land in which the Department has an interest is managed, used or occupied by RBSO, the interest of the Department shall be treated for the purposes of any statutory provision or rule of law relating to Crown land or interests as if it were an interest held otherwise than by, or on behalf of, the Crown.
- (4) RBSO shall, notwithstanding that it is exercising any functions on behalf of the Department, be entitled to enforce any rights acquired and shall be liable in respect of any liabilities incurred (including liabilities in tort) in the exercise of those functions in all respects as if it were acting as a principal, and all proceedings for the enforcement of such rights or liabilities shall be brought by or against RBSO in its own name.
- (5) Subject to the provisions of this Schedule, section 19 of the Interpretation Act (Northern Ireland) 1954 (c. 33) applies to RBSO.

General powers

- 2.—(1) Subject to any directions given by the Department, RBSO may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.
- (2) But RBSO may not borrow money.

Membership

- 3.—(1) RBSO shall consist of—
 - (a) a Chair appointed by the Department;

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- (b) a prescribed number of members appointed by the Department;
- (c) the chief officer of RBSO; and
- (d) such other officers of RBSO as may be prescribed.

(2) Except in so far as regulations otherwise provide, no person who is an officer of RBSO may be appointed under sub-paragraph (1)(a) or (b).

(3) Regulations may provide that all or any of the persons appointed under sub-paragraph (1)(b) must fulfil prescribed conditions or hold posts of a prescribed description.

Commencement Information

- II** [Sch. 3 para. 3](#) wholly in operation at 1.4.2009; [Sch. 3 para. 3](#) in operation for certain purposes at Royal Assent see [s. 34\(2\)\(d\)](#); [Sch. 3 para. 3](#) in operation at 1.4.2009 insofar as not already in operation by [S.R. 2009/114](#), [art. 2](#)

Remuneration and allowances

4.—(1) RBSO shall pay to its members such remuneration and allowances as the Department may determine.

(2) A determination of the Department under this paragraph requires the approval of the Department of Finance and Personnel.

Appointment, procedure etc.

5 Regulations may make provision as to—

- (a) the appointment of members of RBSO under paragraph 3(1)(b) and (d) (including any conditions to be fulfilled for appointment);
- (b) the tenure of office of the Chair and other members (including the circumstances in which they cease to hold office or may be removed or suspended from office);
- (c) the appointment of, constitution of, and exercise of functions by, committees and sub-committees (including committees and sub-committees which consist of or include persons who are not members of RBSO);
- (d) the procedure of RBSO and any committees or sub-committees (including the validation of proceedings in the event of vacancies or defects in appointment);
- (e) the staff, premises and expenses of RBSO;
- (f) such other matters in connection with RBSO as the Department thinks fit.

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Commencement Information

- I2** Sch. 3 para. 5 wholly in operation at 1.4.2009; Sch. 3 para. 5 in operation for certain purposes at Royal Assent see s. 34(2)(d); Sch. 3 para. 5 in operation at 1.4.2009 insofar as not already in operation by S.R. 2009/114, art. 2

The chief officer

6.—(1) There shall be a chief officer of RBSO who shall be a member of the staff of RBSO and shall be responsible to RBSO for the general exercise of its functions.

(2) Subject to regulations made under paragraph 5(e)—

- (a) the first chief officer shall be appointed by the Department;
- (b) any subsequent chief officer shall be appointed by RBSO.

Application of the seal

7 The application of the seal of RBSO shall be authenticated by the signature—

- (a) of any member of RBSO; and
- (b) of any other person who has been authorised by RBSO (whether generally or specifically) for that purpose.

Execution of documents

8.—(1) Any document which if executed by an individual would not require to be executed as a deed may be executed on behalf of RBSO by any person generally or specially authorised by RBSO for that purpose.

(2) In any legal proceedings any document purporting to have been so executed on behalf of RBSO shall be deemed to be so executed until the contrary is proved.

Finance

9.—(1) The Department may make payments to RBSO out of money appropriated for the purpose.

(2) Payments under this paragraph shall be made on such terms and conditions as the Department may determine.

Accounts

10.—(1) RBSO shall—

- (a) keep proper accounts and proper records in relation to the accounts; and

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- (b) prepare a statement of accounts in respect of each financial year.
- (2) The statement of accounts shall—
- (a) be in such form; and
 - (b) contain such information,
- as the Department may, with the approval of the Department of Finance and Personnel, direct.
- (3) RBSO shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—
- (a) the Department; and
 - (b) the Comptroller and Auditor General.
- (4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on every statement of accounts received from RBSO under this paragraph; and
 - (b) send a copy of any such report to the Department.
- (5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

Annual report

- 11.**—(1) RBSO shall within such period after the end of each financial year as the Department may direct, prepare and send to the Department a report in such form, and containing such information, as may be prescribed.
- (2) RBSO shall publish any report prepared under sub-paragraph (1) in such manner as the Department may direct.
- (3) The Department shall lay a copy of the report before the Assembly.

Commencement Information

- I3** [Sch. 3 para. 11](#) wholly in operation at 1.4.2009; [Sch. 3 para. 11](#) in operation for certain purposes at Royal Assent see [s. 34\(2\)\(d\)](#); [Sch. 3 para. 11](#) in operation at 1.4.2009 insofar as not already in operation by [S.R. 2009/114](#), [art. 2](#)

Interpretation

- 12** In paragraphs 10 and 11—
- “Comptroller and Auditor General” means the Comptroller and Auditor General for Northern Ireland;
- “financial year” means—

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- (a) the period beginning with the day on which RBSO is established and ending on the next following 31st March; and
- (b) each subsequent period of 12 months ending on 31st March.

Information

13.—(1) RBSO shall at such times as the Department may direct—

- (a) provide the Department or a specified body with such information, and
- (b) permit the Department or the specified body to inspect and take copies of such documents,

relating to RBSO's functions as the Department may direct.

(2) In sub-paragraph (1) “specified body” means a body specified in directions under that sub-paragraph.

Default powers of Department

14.—(1) The powers conferred by this paragraph are exercisable by the Department if it is satisfied that RBSO has without reasonable excuse failed to discharge any of its functions adequately or at all.

(2) The Department may—

- (a) make an order declaring RBSO to be in default; and
- (b) direct RBSO to discharge such of its functions, in such manner and within such period or periods, as may be specified in the direction.

(3) If RBSO fails to comply with the Department's direction under sub-paragraph (2), the Department may—

- (a) discharge the functions to which the direction relates itself; or
- (b) make arrangements for any other person to discharge those functions on its behalf.

Commencement Information

- I4** [Sch. 3 para. 14](#) wholly in operation at 1.4.2009; [Sch. 3 para. 14](#) in operation for certain purposes at Royal Assent see [s. 34\(2\)\(d\)](#); [Sch. 3 para. 14](#) in operation at 1.4.2009 insofar as not already in operation by [S.R. 2009/114](#), [art. 2](#)

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