



## 2022 CHAPTER 3

### *The Regional Board*

#### **Dissolution of the Regional Health and Social Care Board**

1. The Regional Health and Social Care Board is dissolved.

##### **Commencement Information**

- I1** S. 1 not in operation at Royal Assent, see [s. 8\(1\)\(a\)](#)
- I2** S. 1 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(a\)](#)

#### **Transfer of the Regional Board's functions**

2. Schedule 1 contains—
  - (a) amendments providing for the transfer of the Regional Board's functions; and
  - (b) amendments consequential on the transfer of those functions.

##### **Commencement Information**

- I3** S. 2 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
- I4** S. 2 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

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### *Local bodies*

#### **Continuation of Local Commissioning Groups**

3.—(1) Despite the dissolution of the Regional Board, the Local Commissioning Groups appointed under section 9 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 are to continue in existence as unincorporated bodies.

(2) Schedule 2 contains provision about the Local Commissioning Groups as so continued, including provision for their dissolution.

#### **Commencement Information**

**I5** S. 3 not in operation at Royal Assent, see **s. 8(1)(c)**

**I6** S. 3 in operation at 1.4.2022 by **S.R. 2022/102**, **art. 2(c)**

#### **Duty to establish bodies for local areas**

4.—(1) After section 15A of the Health and Social Care (Reform) Act (Northern Ireland) 2009 insert—

##### *“Local area bodies*

#### **15B Duty to establish bodies for local areas**

(1) The Department must by regulations establish one or more bodies under this section.

(2) A body established under this section is to be called an “Area Integrated Partnership Board” or such other name as may be prescribed.

(3) Each Board is to exercise its functions for such area of Northern Ireland as may be prescribed; and the Department must ensure that there is a Board for each area of Northern Ireland.

(4) Each Board is to exercise such functions relating to the following matters as may be prescribed—

- (a) the identification of the health and social care needs of the people in its area,
- (b) the planning, delivery and management of health and social care for those people, and
- (c) the facilitation and encouragement of co-operation between those responsible for planning, delivering or managing health and social care for those people.

(5) Each Board must exercise its functions with the aim of—

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- (a) improving the health and social well-being of the people in its area;
  - (b) reducing health inequalities between those people, and between those people and other people in Northern Ireland.
- (6) The Department may by regulations—
- (a) provide that Article 18 of the Order of 1972 is to apply to each Board with such modifications (if any) as may be prescribed, and
  - (b) require each Board to exercise its functions in accordance with any scheme having effect under that Article.
- (7) The Department may by regulations—
- (a) provide that each Board is established as a body corporate (and that section 19 of the Interpretation Act (Northern Ireland) 1954 applies to each Board with such modifications (if any) as may be prescribed);
  - (b) make provision for the constitution of Boards (including, in particular, their membership, general powers and proceedings);
  - (c) make provision for the payment of remuneration and allowances to members of Boards, and for the defraying of the expenses of Boards;
  - (d) make provision in relation to accounting, reporting and record-keeping by Boards;
  - (e) make such further provision in relation to Boards as the Department considers appropriate.
- (8) Regulations under this section may apply (with or without modifications), amend or repeal any statutory provision whenever passed or made, including any provision of this Act.
- (9) In this section—
- “Board” means a body established under this section;
  - a reference to the area of a Board is to the area prescribed for that Board under subsection (3).

### **15C Power of Department to give directions and guidance**

- (1) The Department may give directions of a general or specific nature to a Board as to the carrying out by the Board of any of its functions.
- (2) The Department may give guidance to a Board as to the carrying out by the Board of any of its functions.
- (3) Before giving any directions to a Board under subsection (1) the Department must consult the Board.
- (4) Where the Department is of the opinion that because of the urgency of the matter it is necessary to give directions under subsection (1) without consulting the Board concerned—

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- (a) subsection (3) does not apply; but
  - (b) the Department must as soon as reasonably practicable give notice to the Board of the grounds on which the Department formed that opinion.
- (5) Where the Department is of the opinion that (for any reason other than the urgency of the matter) it is not reasonably practicable to comply with subsection (3)—
- (a) that subsection does not apply; but
  - (b) the Department must as soon as reasonably practicable give notice to the Board concerned of the grounds on which the Department formed that opinion.
- (6) It is the duty of a Board—
- (a) to comply with any directions given to it under subsection (1);
  - (b) to have regard to any guidance given to it under subsection (2).
- (7) In this section “Board” means a body established under section 15B.
- (8) This section does not affect the Department’s powers to give directions or guidance apart from this section.”.
- (2) In section 29 of that Act—
- (a) after subsection (1) insert—
    - “(1A) No regulations are to be made under section 15B unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.”;
  - (b) in subsection (2), for “this Act” substitute “any provision of this Act other than section 15B”.

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**Commencement Information**

**I7** S. 4 in operation at Royal Assent, see [s. 8\(2\)](#)

*Supplementary*

**Schemes for transfer of assets and liabilities**

**5.—(1)** The Department must, in connection with the dissolution of the Regional Board, make one or more schemes for the transfer of all the assets and liabilities of the Board.

- (2) A scheme may transfer assets and liabilities to—
- (a) the Department; or
  - (b) the Regional Business Services Organisation.

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- (3) A scheme must—
- (a) designate the assets or liabilities to be transferred by it (see paragraph 1(1) of Schedule 3 for how assets and liabilities may be designated);
  - (b) specify the person to whom each asset or liability is to be transferred;
  - (c) specify the date on which the scheme is to have effect (the “transfer date”).
- (4) On the transfer date the designated assets or liabilities are transferred and vest in accordance with the scheme.
- (5) Schedule 3 contains provision about schemes.

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**Commencement Information**

**I8** S. 5 in operation at Royal Assent, see **s. 8(2)**

**Transitional provision**

**6.—(1)** In Schedule 4—

- (a) Part 1 contains provision about the final accounts and reports of the Regional Board;
- (b) Part 2 contains other transitional provision connected with the coming into operation of this Act.

(2) The Department may by regulations make such further transitional, transitory or saving provision as it considers appropriate in connection with the coming into operation of any provision of this Act, including provision that amends or modifies any statutory provision.

(3) Regulations under subsection (2) are subject to negative resolution.

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**Commencement Information**

**I9** S. 6(1)(a)(2)(3) in operation at Royal Assent, see **s. 8(2)**

**I10** S. 6(1)(b) in operation at 1.4.2022 by S.R. 2022/102, **art. 2(d)**

**Interpretation**

**7.** In this Act—

“the 1972 Order” means the Health and Personal Social Services (Northern Ireland) Order 1972;

“the 1991 Order” means the Health and Personal Social Services (Northern Ireland) Order 1991;

“the 1994 Order” means the Health and Personal Social Services (Northern Ireland) Order 1994;

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“the Department” means the Department of Health;

“the Regional Board” means the Regional Health and Social Care Board;

“statutory document” and “statutory provision” have the meaning given by section 1(e) and (f) of the Interpretation Act (Northern Ireland) 1954.

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**Commencement Information**

**I11** S. 7 in operation at Royal Assent, see [s. 8\(2\)](#)

**Commencement**

**8.—**(1) The following provisions come into operation on such day or days as the Department may by order appoint—

- (a) section 1;
- (b) section 2 and Schedule 1;
- (c) section 3 and Schedule 2;
- (d) section 6(1)(b) and Part 2 of Schedule 4.

(2) The other provisions of this Act come into operation on Royal Assent.

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**Commencement Information**

**I12** S. 8 in operation at Royal Assent, see [s. 8\(2\)](#)

**Short title**

**9.** This Act may be cited as the Health and Social Care Act (Northern Ireland) 2022.

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**Commencement Information**

**I13** S. 9 in operation at Royal Assent, see [s. 8\(2\)](#)

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**Changes and effects yet to be applied to :**

- Sch. 1 para. 102-120 repealed by [2022 c. 18 \(N.I.\) Sch. 3 para. 80\(2\)Sch. 5](#)
- Sch. 1 para. 193(2)(b) repealed by [2022 c. 18 \(N.I.\) Sch. 3 para. 80\(3\)Sch. 5](#)
- Sch. 1 para. 193(3)(b) repealed by [2022 c. 18 \(N.I.\) Sch. 3 para. 80\(3\)Sch. 5](#)
- Sch. 1 para. 195(2) repealed by [2022 c. 18 \(N.I.\) Sch. 3 para. 80\(4\)Sch. 5](#)