



# **Health and Social Care Act (Northern Ireland) 2022**

## CHAPTER 3

### HEALTH AND SOCIAL CARE ACT (NORTHERN IRELAND) 2022

#### *The Regional Board*

1. Dissolution of the Regional Health and Social Care Board
2. Transfer of the Regional Board's functions

#### *Local bodies*

3. Continuation of Local Commissioning Groups
4. Duty to establish bodies for local areas

#### *Supplementary*

5. Schemes for transfer of assets and liabilities
6. Transitional provision
7. Interpretation
8. Commencement
9. Short title

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## SCHEDULES

### SCHEDULE 1 — Transfer of the Regional Board’s functions

#### *Factories Act (Northern Ireland) 1965*

1. In section 176(1) of the Factories Act (Northern Ireland) 1965,...

#### *Children and Young Persons Act (Northern Ireland) 1968*

2. In section 96(1) of the Children and Young Persons Act...

#### *Superannuation (Northern Ireland) Order 1972*

3. In Schedule 1 to the Superannuation (Northern Ireland) Order 1972,...

#### *Health and Personal Social Services (Northern Ireland) Order 1972*

4. The 1972 Order is amended as follows.
5. In Article 2(2), after the definition of “Article 15B arrangements”...
6. (1) Article 15 is amended as follows.
7. (1) Article 15B is amended as follows.
8. (1) Article 15C is amended as follows.
9. (1) Article 15D is amended as follows.
10. Omit Article 17.
11. In Article 18(6), omit sub-paragraphs (a) and (b).
12. In Article 21(1), in sub-paragraphs (a) and (b), for “the...”
13. (1) Article 36 is amended as follows.
14. In Article 37— (a) for “The Ministry” substitute “Each authorised...”
15. (1) Article 38 is amended as follows.
16. (1) Article 39 is amended as follows.
17. In Article 51, omit the words from “authorise” to “itself”....
18. In Article 53(1A), omit sub-paragraph (a).
19. (1) Article 55 is amended as follows.
20. (1) Article 55A is amended as follows.
21. (1) Article 55B is amended as follows.
22. (1) Article 56 is amended as follows.
23. (1) Article 57 is amended as follows.
24. In Article 57B(1), for “A Health and Social Services Board”...
25. (1) Article 57C is amended as follows.
26. In Article 57E(4)(a), for “a Health and Social Services Board”...

27. (1) Article 57F is amended as follows.
28. (1) Article 57G is amended as follows.
29. (1) Article 57H is amended as follows.
30. For Article 59 substitute— Schedule 9 makes provision for the making of loans by...
31. (1) Article 61 is amended as follows.
32. (1) Article 62 is amended as follows.
33. (1) Article 63 is amended as follows.
34. (1) Article 63AA is amended as follows.
35. For Articles 63A and 63B substitute— Additional pharmaceutical services (1) The Department may make arrangements for the provision of...
36. (1) Article 64 is amended as follows.
37. (1) Article 64C is amended as follows.
38. Article 79 is omitted.
39. Article 80 is omitted.
40. (1) Article 81 is omitted so far as it relates...
41. Article 82 is omitted.
42. (1) Article 83 is amended as follows.
43. (1) Article 85 is amended as follows.
44. (1) Article 86 is amended as follows.
45. In Article 91(6), omit sub-paragraph (a).
46. In Article 92B(3), omit sub-paragraph (a).
47. (1) Article 99 is amended as follows.
48. (1) Article 101 is amended as follows.
49. (1) Article 101A is amended as follows.
50. (1) Schedule 6 is amended as follows.
51. (1) Schedule 9 is amended as follows.
52. (1) Schedule 10 is amended as follows.
53. (1) Schedule 11 is amended as follows.
54. (1) Schedule 14 is omitted so far as it relates...
55. (1) Schedule 15 is amended as follows.

*Solicitors (Northern Ireland) Order 1976*

56. In Article 3(2) of the Solicitors (Northern Ireland) Order 1976,...

*Pharmacy (Northern Ireland) Order 1976*

57. In Article 8AA(9) of the Pharmacy (Northern Ireland) Order 1976,...

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*Chronically Sick and Disabled Persons (Northern Ireland) Act 1978*

- 58. The Chronically Sick and Disabled Persons (Northern Ireland) Act 1978...
- 59. (1) Section 1 is amended as follows.
- 60. (1) Section 2 is amended as follows.
- 61. (1) Section 12 is amended as follows.

*Health and Safety at Work (Northern Ireland) Order 1978*

- 62. In Article 50 of the Health and Safety at Work...

*Judgments Enforcement (Northern Ireland) Order 1981*

- 63. In Article 54 of the Judgments Enforcement (Northern Ireland) Order...

*Legal Aid, Advice and Assistance (Northern Ireland) Order 1981*

- 64. Omit Article 10(5A)(a) of the Legal Aid, Advice and Assistance...

*Diseases of Animals (Northern Ireland) Order 1981*

- 65. In Article 10(5) of the Diseases of Animals (Northern Ireland)...

*Dentists Act 1984*

- 66. (1) The Dentists Act 1984 is amended as follows.

*Mental Health (Northern Ireland) Order 1986*

- 67. The Mental Health (Northern Ireland) Order 1986 is amended as...
- 68. (1) Article 2 is amended as follows.
- 69. In Article 8(3), omit “a Board or”.
- 70. In Article 16(3)(f), omit “Board or”.
- 71. In Article 22(1), omit “Board,” (in both places).
- 72. In Article 25, omit “a Board or” (in both places)....
- 73. In Article 26(b), omit “Boards and”.
- 74. (1) Article 28 is amended as follows.
- 75. In Article 33— (a) for “a Board or” substitute “an”;...
- 76. (1) Article 40 is amended as follows.
- 77. (1) Article 42 is amended as follows.
- 78. (1) Article 43 is amended as follows.
- 79. (1) Article 44 is amended as follows.
- 80. (1) Article 45 is amended as follows.
- 81. (1) Article 46 is amended as follows.

82. In Article 48(3)(a), for “the Department” substitute “the HSC trust”....
83. In Article 50A(4), for “the Department” substitute “the authorised HSC...”
84. In Article 61(2), omit “Board or”.
85. In the heading to Article 73, for “Boards” substitute “responsible...”
86. (1) Article 86(2) is amended as follows.
87. (1) Article 107 is amended as follows.
88. In the heading to Part 9, for “AND BOARDS” substitute...
89. In Article 111(1)(a), omit “Boards,”.
90. (1) Article 112 is amended as follows.
91. (1) Article 113 is amended as follows.
92. (1) Article 114 is amended as follows.
93. (1) Article 115 is amended as follows.
94. (1) Article 116 is amended as follows.
95. In the heading to Article 117, for “Boards” substitute “responsible...”
96. (1) Article 118 is amended as follows.
97. In Article 121(1), omit “a member of the Board or”....
98. (1) Article 129 is amended as follows.
99. In Article 133(4), omit “, a Board”.
100. (1) In Part 1 of Schedule 2, paragraph 9(a) is...
101. (1) Paragraph 3 of Schedule 2A is amended as follows....

*Adoption (Northern Ireland) Order 1987*

102. The Adoption (Northern Ireland) Order 1987 is amended as follows....
103. (1) Article 2 is amended as follows.
104. (1) Article 3 is amended as follows.
105. (1) Article 8 is amended as follows.
106. In Article 11(3)(a)(i), for “a Board or” substitute “an”.
107. In Article 13(3)(b), omit “Board or”.
108. In Article 18(2A), for “a Board or” substitute “an”.
109. (1) Article 22 is amended as follows.
110. (1) Article 23 is amended as follows.
111. In Article 28(2A), for “a Board or” substitute “an”.
112. (1) Article 29 is amended as follows.
113. (1) Article 32 is amended as follows.
114. In Article 33(1) and (3)(b), omit “Board or”.
115. (1) Article 34 is amended as follows.
116. (1) Article 36 is amended as follows.
117. In Article 37(1)(b), for “a Board or” substitute “an”.
118. In Article 54(3) and (5), omit “Board or”.

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- 119. In Article 70, omit “Board or”.
- 120. In Article 71(1)(b) and (c), for “a Board or” substitute...

*Housing (Northern Ireland) Order 1988*

- 121. The Housing (Northern Ireland) Order 1988 is amended as follows....
- 122. (1) Article 6A is amended as follows.
- 123. In Article 6B(2), omit paragraph (b) (but not the “or” ...
- 124. In Article 6C, omit the definition of “the Regional Board” ....

*Health and Medicines (Northern Ireland) Order 1988*

- 125. In Article 10(4) of the Health and Medicines (Northern Ireland)...

*Disabled Persons (Northern Ireland) Act 1989*

- 126. The Disabled Persons (Northern Ireland) Act 1989 is amended as...
- 127. In section 4, for “the Board” substitute “the authority”.
- 128. In section 5(9), in the definition of “the appropriate officer”,...
- 129. (1) Section 7 is amended as follows.
- 130. In the heading to section 8, for “Board” substitute “relevant...”
- 131. In section 11(1)— (a) omit the definition of “Board”;

*Police and Criminal Evidence (Northern Ireland) Order 1989*

- 132. In Article 2(2) of the Police and Criminal Evidence (Northern...

*Children Act 1989*

- 133. In Schedule 2 to the Children Act 1989, in paragraph...

*Opticians Act 1989*

- 134. In section 27(3)(e) of the Opticians Act 1989, for sub-paragraph...

*Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990*

- 135. In Article 4(3) of the Health and Personal Social Services...

*Health and Personal Social Services (Northern Ireland) Order 1991*

- 136. The 1991 Order is amended as follows.
- 137. In Article 2(2), omit the definition of “the Regional Board”....
- 138. In Article 7(6), omit sub-paragraph (a).

139. In Article 8— (a) omit paragraph (2)(a);
140. In Article 8A(1), for “a Health and Social Services Board”...
141. (1) Article 10 is amended as follows.
142. After Article 10 insert— Definition of social care and children...
143. After Article 10A insert— Certain functions of the Department to...
144. (1) Article 21 is amended as follows.
145. (1) Article 23 is amended as follows.
146. In Article 24(2), omit sub-paragraph (a).
147. (1) Article 33 is amended as follows.
148. (1) Schedule 3 is amended as follows.
149. In Schedule 5, omit the amendment of section 11(1) of...

*Food Safety (Northern Ireland) Order 1991*

150. In Article 8(9) of the Food Safety (Northern Ireland) Order...

*Social Security Contributions and Benefits (Northern Ireland) Act 1992*

151. In Schedule 9 to the Social Security Contributions and Benefits...

*Social Security Administration (Northern Ireland) Act 1992*

152. In section 14 of the Social Security Administration (Northern Ireland)...

*Access to Health Records (Northern Ireland) Order 1993*

153. (1) The Access to Health Records (Northern Ireland) Order 1993...

*Health and Personal Social Services (Northern Ireland) Order 1994*

154. (1) The 1994 Order is amended as follows.

*Children (Northern Ireland) Order 1995*

155. The Children (Northern Ireland) Order 1995 is amended as follows....
156. (1) Article 2 is amended as follows.
157. For Article 17A(3) substitute— (3) An assessment under this Article...
158. For Article 18A(4) substitute— (4) An assessment under this Article...
159. Omit Article 46(3)(a).

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160. In Article 61(2), for the words from “functions exercisable on...
161. Omit Article 66(11)(a).
162. In Article 121— (a) in paragraph (2)(d), omit “Board or”;...
163. In Article 149(5)(a), omit “Board or”.
164. In Article 173(1), omit “Board or” (in each place).
165. (1) Article 174 is amended as follows.
166. (1) In Schedule 2, paragraph 2A is amended as follows....

*Trade Union and Labour Relations (Northern Ireland) Order 1995*

167. In Article 144 of the Trade Union and Labour Relations...

*Education (Northern Ireland) Order 1996*

168. (1) The Education (Northern Ireland) Order 1996 is amended as...

*Employment Rights (Northern Ireland) Order 1996*

169. (1) The Employment Rights (Northern Ireland) Order 1996 is amended...

*Criminal Justice (Northern Ireland) Order 1996*

170. (1) Article 2 of the Criminal Justice (Northern Ireland) Order...

*Health Services (Primary Care) (Northern Ireland) Order 1997*

171. The Health Services (Primary Care) (Northern Ireland) Order 1997 is...
172. In Article 1(5), for “A board or” substitute “An”.
173. In Article 2(3), omit the definition of “board”.
174. (1) Article 3 is amended as follows.
175. Omit Article 4.
176. In Article 5(2), for “a board” substitute “the Department”.
177. Omit Articles 6 and 7.
178. For Article 8 substitute— Implementation of pilot schemes (1)  
Before implementing a pilot scheme the Department must—
179. In Article 9(3), omit sub-paragraph (a).
180. (1) Article 10 is amended as follows.
181. (1) Article 11 is amended as follows.
182. Omit Articles 12, 13, 14 and 16.
183. (1) Article 18 is amended as follows.
184. Omit Articles 27 and 28.
185. In Article 31, omit paragraphs (4) and (5).
186. Omit Schedule 1.



*Freedom of Information Act 2000*

187. In Schedule 1 to the Freedom of Information Act 2000—...

*Criminal Justice and Court Services Act 2000*

188. (1) Section 36 of the Criminal Justice and Court Services...

*Health and Personal Social Services Act (Northern Ireland) 2001*

189. (1) The Health and Personal Social Services Act (Northern Ireland)...

*Carers and Direct Payments Act (Northern Ireland) 2002*

190. (1) The Carers and Direct Payments Act (Northern Ireland) 2002...

*Health and Personal Social Services Act (Northern Ireland) 2002*

191. Omit section 1(3) of the Health and Personal Social Services...

*Justice (Northern Ireland) Act 2002*

192. In section 46 of the Justice (Northern Ireland) Act 2002—...

*Adoption and Children Act 2002*

193. (1) The Adoption and Children Act 2002 is amended as...

*Nationality, Immigration and Asylum Act 2002*

194. (1) Section 46(7) of the Nationality, Immigration and Asylum Act...

*Marriage (Northern Ireland) Order 2003*

195. (1) The Marriage (Northern Ireland) Order 2003 is amended as...

*Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003*

196. (1) The Protection of Children and Vulnerable Adults (Northern Ireland)...

*Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003*

197. The Health and Personal Social Services (Quality, Improvement and Regulation)...
198. In Article 4(1)(b), omit “Health and Social Services Boards,”.
199. In Article 21(3), for the words from “the Department” to...

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- 200. In Article 34(1)— (a) omit “Each Health and Social Services...
- 201. In Article 35(9), omit “a Health and Social Services Board,”....
- 202. In Article 36(1)— (a) omit “Each Health and Social Services...
- 203. In Article 37(1), omit “Health and Social Services Boards and”....
- 204. In Article 39(1)— (a) for “a Health and Social Services...
- 205. In Article 41— (a) in paragraph (1), for “a Health...
- 206. In the heading to Part 5, omit “BOARDS AND”.

*Commissioner for Children and Young People (Northern Ireland) Order 2003*

- 207. (1) The Commissioner for Children and Young People (Northern Ireland)...

*Domestic Violence, Crime and Victims Act 2004*

- 208. In section 9(4)(b) of the Domestic Violence, Crime and Victims...

*Civil Partnership Act 2004*

- 209. (1) The Civil Partnership Act 2004 is amended as follows....

*Emergency Workers (Obstruction) Act 2006*

- 210. In the Emergency Workers (Obstruction) Act 2006, in section 1(5)(b),...

*Recovery of Health Services Charges (Northern Ireland) Order 2006*

- 211. In Article 17(3)(b) of the Recovery of Health Services Charges...

*Water and Sewerage Services (Northern Ireland) Order 2006*

- 212. (1) Article 118 of the Water and Sewerage Services (Northern...

*Corporate Manslaughter and Corporate Homicide Act 2007*

- 213. In section 6(7)(d) of the Corporate Manslaughter and Corporate Homicide...

*Safeguarding Vulnerable Groups (Northern Ireland) Order 2007*

- 214. (1) In Article 2 of the Safeguarding Vulnerable Groups (Northern...

*Health (Miscellaneous Provisions) Act (Northern Ireland) 2008*

- 215. The Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 is amended...
- 216. (1) Section 2 (which inserts new Article 60A and substitutes...
- 217. (1) Article 60A is amended as follows.
- 218. (1) Article 61 is amended as follows.
- 219. In Article 61B(1), for “A Health and Social Services Board”...
- 220. (1) Article 61C is amended as follows.
- 221. In Article 61D(3), for “a Health and Social Services Board”...
- 222. (1) Article 61E is amended as follows.
- 223. (1) Article 61F is amended as follows.
- 224. In section 3— (a) for “a Health and Social Services...
- 225. In section 6, for “a Health and Social Services Board”...

*Criminal Justice (Northern Ireland) Order 2008*

- 226. (1) The Criminal Justice (Northern Ireland) Order 2008 is amended...

*Sexual Offences (Northern Ireland) Order 2008*

- 227. In the Sexual Offences (Northern Ireland) Order 2008, in Article...

*Health and Social Care (Reform) Act (Northern Ireland) 2009*

- 228. The Health and Social Care (Reform) Act (Northern Ireland) 2009...
- 229. In section 1(5), omit paragraph (a).
- 230. In section 2(3)(h), omit “the Regional Board,”.
- 231. In section 6(1), omit paragraph (a).
- 232. Omit sections 7 and 8 and the italic heading before...
- 233. In section 9, omit subsections (1), (3)(b), (6)(b) and (7)....
- 234. Omit sections 10 and 11.
- 235. In section 13(6)(b)— (a) omit “, the Regional Board and...
- 236. In section 17(8), omit paragraph (b).
- 237. (1) Section 24 is amended as follows.
- 238. In section 27(2), omit paragraph (b).
- 239. In section 29(3), omit “or the Regional Board”.
- 240. In section 31, omit the definition of “the Regional Board”....
- 241. In Schedule 1 omit— (a) paragraphs 1 to 7;
- 242. In Schedule 6 omit— (a) paragraph 3(49) and (50)(b);

*Commissioner for Older People Act (Northern Ireland) 2011*

- 243. In section 27 of the Commissioner for Older People Act...

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*Safeguarding Board Act (Northern Ireland) 2011*

244. (1) The Safeguarding Board Act (Northern Ireland) 2011 is amended...

*Health and Social Care (Amendment) Act (Northern Ireland) 2014*

245. In section 3(1) of the Health and Social Care (Amendment)...

*Modern Slavery Act 2015*

246. In Schedule 3 to the Modern Slavery Act 2015, omit...

*Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*

247. In section 21 of the Human Trafficking and Exploitation (Criminal...

*Children's Services Co-operation Act (Northern Ireland) 2015*

248. In section 9 of the Children's Services Co-operation Act (Northern...

*Welfare Reform (Northern Ireland) Order 2015*

249. In Article 120(8) of the Welfare Reform (Northern Ireland) Order...

*Public Services Ombudsman Act (Northern Ireland) 2016*

250. (1) The Public Services Ombudsman Act (Northern Ireland) 2016 is...

*Special Educational Needs and Disability Act (Northern Ireland) 2016*

251. (1) This paragraph applies if paragraph 168(3)(a) (amendment of Article...

*Mental Capacity Act (Northern Ireland) 2016*

252. (1) The Mental Capacity Act (Northern Ireland) 2016 is amended...

*Rural Needs Act (Northern Ireland) 2016*

253. In the Schedule to the Rural Needs Act (Northern Ireland)...

*Justice Act (Northern Ireland) 2016*

254. In section 44(2) of the Justice Act (Northern Ireland) 2016,...

*Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016*

255. Omit section 6(2) of the Health and Personal Social Services...

*Health (Miscellaneous Provisions) Act (Northern Ireland) 2016*

256. Omit section 13(1) of the Health (Miscellaneous Provisions) Act (Northern...

*Coronavirus Act 2020*

257. In paragraph 4(5) of Schedule 7 to the Coronavirus Act...

SCHEDULE 2 — Local Commissioning Groups

*Statutory provisions to continue to operate in relation to Groups as continued*

1. (1) The following provisions continue to apply to or in...
2. Paragraph 1 does not affect the continued operation of any...

*Appointments and terms of office*

3. (1) Any person who is a member of a Local...
4. (1) In the event of any vacancy in the membership...
5. Paragraphs 3 and 4 are subject to regulations 3(4) to...

*Other provision about the Groups as continued*

6. The Department may pay to members of a Local Commissioning...
7. In the 2009 Act— (a) section 2(3)(h) (duty of Department...
8. (1) The Department may give guidance to a Local Commissioning...
9. References in the following provisions to a health and social...

*Continuity*

10. (1) Any document made or other thing done by the...

*Power of Department to dissolve the continued Groups*

11. (1) The following provisions cease to have effect on such...

SCHEDULE 3 — Transfer of assets, etc

*Transfer of assets and liabilities*

1. (1) A scheme may designate the assets or liabilities to...

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*Transfer of employed staff*

2. (1) This paragraph applies if rights and liabilities under a...

*Continuity*

3. A transfer by virtue of a scheme does not affect...
4. Anything which— (a) before the transfer date was done by...
5. Anything (including any legal proceedings) which— (a) relates to anything...
6. (1) In any statutory provision or statutory document—

SCHEDULE 4 — Transitional provision

PART 1 — Accounts and reports of the Regional Board

1. (1) The Department must make arrangements for—

PART 2 — Other transitional provision

*General provision*

2. (1) In any statutory provision or statutory document, any reference...

*Specific provision*

3. (1) This paragraph applies to any authorisation under Article 3(1)...
4. (1) This paragraph applies to any direction that was given...
5. (1) This paragraph applies to any scheme that was made...

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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](#)