

SCHEDULES

SCHEDULE 1

Transfer of the Regional Board's functions

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” insert—

“authorised HSC trust” means an HSC trust that is exercising social care and children functions within the meaning of Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991;”.
- 6.—(1) Article 15 is amended as follows.
 - (2) Before paragraph (1) insert—

“(A1) The functions conferred by this Article are to be exercised as part of the system of social care designed to secure improvement in the social well-being of people in Northern Ireland mentioned in section 2(1)(b) of the 2009 Act.”.
 - (3) In paragraph (1), for the words from the beginning to “the Ministry” substitute “An authorised HSC trust”.
 - (4) In paragraph (1A), for “the Department” substitute “the trust”.
 - (5) In paragraph (1B)—
 - (a) for “The Department” substitute “An authorised HSC trust”;
 - (b) in sub-paragraphs (a) and (c), and in the text following sub-paragraph (c), for “the Department” substitute “the trust”.
 - (6) In paragraph (2), for “the Ministry” substitute “the trust”.
 - (7) In paragraph (3)—
 - (a) for “the Ministry” (in the first place) substitute “a trust”;
 - (b) for “the Ministry” (in the second place) substitute “the trust”.
 - (8) In paragraph (4)—
 - (a) for “the Ministry” (in the first place) substitute “A trust”;
 - (b) for “the Ministry” (in the second place) substitute “the trust”.

(9) In paragraph (7) (as inserted by section 121(2) of the Immigration and Asylum Act 1999) for “the Department” substitute “an HSC trust”.

7.—(1) Article 15B is amended as follows.

(2) In paragraph (1)—

(a) for “A Health and Social Services Board” substitute “The Department”;

(b) omit “with respect to its area”;

(c) in sub-paragraphs (a) and (b), for “the Board” substitute “the Department”.

(3) In paragraph (3), for “the Health and Social Services Board concerned” substitute “the Department”.

(4) Omit paragraphs (4) and (5).

8.—(1) Article 15C is amended as follows.

(2) In paragraph (1), for “A Health and Social Services Board” substitute “The Department”.

(3) In paragraph (2), in the definition of “HSC employee”, for “a Health and Social Services Board” substitute “the RBSO”.

9.—(1) Article 15D is amended as follows.

(2) In paragraphs (2) and (3), for “Health and Social Services Boards” substitute “the Department”.

(3) In paragraph (3A), for “directions given” substitute “any scheme made”.

(4) In paragraph (3B), for “direction” (in each place) substitute “scheme”.

(5) After paragraph (3B) insert—

“(3BA) The Department must publish a scheme under paragraph (3A) in such manner as it thinks appropriate.”.

(6) In paragraph (3C), for “a Health and Social Services Board” substitute “the Department”.

(7) In paragraph (3D)—

(a) in sub-paragraph (a), for “the Department” substitute “a prescribed body”;

(b) in sub-paragraph (b), for “the Department, or a person appointed by it,” substitute “that body”.

(8) After paragraph (3D) insert—

“(3DA) Regulations making provision as to the matters referred to in paragraph (3D)(a) and (b) may make provision—

(a) as to the members of the body, including the terms and conditions of their appointment;

(b) for the payment of fees and allowances to members of the body.”.

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 Regional Board” substitute “the Department”.

13.—(1) Article 36 is amended as follows.

(2) In paragraph (2A), for the words from “the ordinary residence” to the end substitute “whether a person is ordinarily resident in the operational area of an authorised HSC trust is to be determined by the trust.”.

(3) In paragraph (3)—

(a) for “the Department” (in the first place) substitute “the HSC trust”;

(b) for “the Department” (in the second place) substitute “the trust”.

(4) In paragraph (4), for “the Department” substitute “the HSC trust”.

(5) In paragraph (5)—

(a) for “the Department” (in the first place) substitute “the HSC trust”;

(b) for “the Department” (in the second place) substitute “the trust”.

(6) In paragraph (7)—

(a) for “the Department” (in the first place) substitute “the HSC trust”;

(b) for “the Department” (in every other place) substitute “the trust”.

(7) In paragraph (8)—

(a) for “The Department” substitute “An HSC trust”;

(b) for “the Department” (in both places) substitute “the trust”.

14. In Article 37—

(a) for “The Ministry” substitute “Each authorised HSC trust”;

(b) after “for persons” insert “within its operational area”.

15.—(1) Article 38 is amended as follows.

(2) In paragraph (1)—

(a) for “the Ministry” (in the first place) substitute “the appropriate HSC trust”;

(b) for “the Ministry” (in the second place) substitute “the trust”.

(3) After paragraph (1) insert—

“(1A) The “appropriate HSC trust” is the HSC trust in whose operational area the person resides.”.

(4) In paragraph (3)—

(a) for “the Ministry” (in the first place) substitute “an HSC trust”;

- (b) for “the Ministry” (in the second place) substitute “the trust”.
- (5) In paragraph (4), for “The Ministry” substitute “An HSC trust”.

16.—(1) Article 39 is amended as follows.

- (2) In paragraph (1)—
 - (a) for “The Ministry” substitute “An authorised HSC trust”;
 - (b) for “the Ministry” substitute “the trust”.
- (3) In paragraph (2), for “The Ministry” substitute “The trust”.
- (4) In paragraphs (3) and (4), for “the Ministry” substitute “the trust”.

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.

- (2) In paragraph (2), for “A Health and Social Services Board” substitute “The Department”.
- (3) In paragraph (3), for “a Health and Social Services Board” and “the Health and Social Services Board” substitute “the Department”.
- (4) In paragraphs (4), (5) and (6), for “the Health and Social Services Board” substitute “the Department”.

20.—(1) Article 55A is amended as follows.

- (2) In paragraph (1), for “a Health and Social Services Board” substitute “the Department”.
- (3) In paragraph (2), for “any other power to require a Health and Social Services Board” substitute “any other duty on the Department”.
- (4) In paragraph (5)—
 - (a) for “A Health and Social Services Board” substitute “The Department”;
 - (b) for “the Board” substitute “the Department”.
- (5) In paragraphs (6) and (7), for “the Health and Social Services Board” substitute “the Department”.

21.—(1) Article 55B is amended as follows.

- (2) In paragraph (1), for “A Health and Social Services Board” substitute “The Department”.
- (3) In paragraph (3)(b), for “the Health and Social Services Board” substitute “the Department”.
- (4) In paragraph (6), for “a Health and Social Services Board” substitute “the Department”.

(5) In paragraph (9)—

- (a) for “A Health and Social Services Board” substitute “The Department”;
- (b) for “the Board” substitute “the Department”.

22.—(1) Article 56 is amended as follows.

(2) In paragraph (1)—

- (a) for “Each Health and Social Services Board” substitute “The Department”;
- (b) omit “exercise its powers so as to”.

(3) In paragraph (2), for “A Health and Social Services Board” substitute “The Department”.

(4) In paragraph (3), for “Each Health and Social Services Board” substitute “The Department”.

23.—(1) Article 57 is amended as follows.

(2) In paragraph (1), for “A Health and Social Services Board” substitute “The Department”.

(3) In paragraphs (3) and (5), for “the Health and Social Services Board” substitute “the Department”.

24. In Article 57B(1), for “A Health and Social Services Board” substitute “The Department”.

25.—(1) Article 57C is amended as follows.

(2) In paragraph (1), for “give directions as to” substitute “make a scheme providing for”.

(3) In paragraph (2), for “directions” substitute “any scheme”.

(4) In paragraph (3)—

- (a) for “directions” substitute “a scheme”;
- (b) for “direction” (in each place) substitute “scheme”;
- (c) in sub-paragraph (b)(i), for “any scheme” substitute “any method of calculation”;
- (d) in sub-paragraph (d), for “a Health and Social Services Board” substitute “the Department”.

(5) In paragraph (4)—

- (a) for “giving a direction” substitute “making a scheme”;
- (b) in sub-paragraph (a), for “direction” substitute “scheme”.

(6) After paragraph (4) insert—

“(4A) The Department must publish a scheme under paragraph (1) in such manner as it thinks appropriate.”.

26. In Article 57E(4)(a), for “a Health and Social Services Board” substitute “the Department”.

27.—(1) Article 57F is amended as follows.

(2) In paragraph (2)—

- (a) after “paragraph (1) may” insert “in particular”;
- (b) in sub-paragraph (a), for “the Department” substitute “a prescribed body”;
- (c) in sub-paragraph (b), for “the Department, or a person appointed by it,” substitute “that body”.

(3) After paragraph (2) insert—

“(2A) Regulations making provision as to the matters referred to in paragraph (2)(a) and (b) may make provision—

- (a) as to the members of the body, including the terms and conditions of their appointment;
- (b) for the payment of fees and allowances to members of the body.”.

28.—(1) Article 57G is amended as follows.

(2) In paragraphs (1), (2) and (3), for “a Health and Social Services Board” substitute “the Department”.

(3) In paragraph (3)(j), after “appeals” insert “to a prescribed body”.

(4) In paragraph (3A), for “a Health and Social Services Board” and “a Board” substitute “the Department”.

(5) After paragraph (3B) insert—

“(3C) Regulations making provision as to the matters referred to in paragraph (3)(j) may make provision—

- (a) as to the members of the body, including the terms and conditions of their appointment;
- (b) for the payment of fees and allowances to members of the body.”.

(6) Omit paragraph (4).

29.—(1) Article 57H is amended as follows.

(2) In paragraph (1), for “A Health and Social Services Board” substitute “The Department”.

(3) In paragraph (2), for “a Health and Social Services Board” and “the Board” substitute “the Department”.

30. For Article 59 substitute—

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“59. Schedule 9 makes provision for the making of loans by the Department to practitioners providing primary medical services..Department to practitioners providing primary medical services.”.

31.—(1) Article 61 is amended as follows.

(2) In paragraph (1)—

- (a) for “Every Health and Social Services Board” substitute “The Department”;
- (b) omit “in respect of its area”.

(3) In paragraph (2A)—

- (a) for “the Health and Social Services Board in whose area his surgery is, or is to be, situated” substitute “the Department”;
- (b) omit “in the Board’s area”.

(4) After paragraph (2AA) insert—

“(2AB) Regulations making provision conferring such a right of appeal may make provision—

- (a) as to the members of the body, including the terms and conditions of their appointment;
- (b) for the payment of fees and allowances to members of the body.”.

32.—(1) Article 62 is amended as follows.

(2) In paragraph (1)—

- (a) for “Every Health and Social Services Board” substitute “The Department”;
- (b) omit “in respect of its area”.

(3) In paragraph (2)(c), for “a committee appointed by the Department, and for making provision” substitute “a prescribed body, and”.

(4) After paragraph (2) insert—

“(2A) Regulations making provision for any matter which appears to theDepartment to be necessary or expedient in consequence of the right of appeal referred to in paragraph (2)(c), may in particular make provision—

- (a) as to the members of the body, including the terms and conditions of their appointment;
- (b) for the payment of fees and allowances to members of the body.”.

33.—(1) Article 63 is amended as follows.

(2) In paragraph (1)—

- (a) for “Every Health and Social Services Board” substitute “The Department”;

- (b) omit “in respect of its area” and “who are in that area”;
 - (c) for “a direction” substitute “arrangements”.
- (3) In paragraph (2)—
- (a) for “a Health and Social Services Board” substitute “the Department”;
 - (b) omit “in the Board’s area”.
- 34.—**(1) Article 63AA is amended as follows.
- (2) In paragraph (2), for “a Health and Social Services Board” and “the Health and Social Services Board” substitute “the Department”.
- (3) In paragraph (3)—
- (a) for “a Health and Social Services Board” and “the Board” substitute “the Department”;
 - (b) omit “in the Board’s area”.
- (4) In paragraph (3A), after “appeal” insert “to a prescribed body”.
- (5) After paragraph (3A) insert—
- “(3AA) Regulations making provision as to the matters referred to in paragraph (3A) may in particular make provision—
- (a) as to the members of the body, including the terms and conditions of their appointment;
 - (b) for the payment of fees and allowances to members of the body.”.
- 35.** For Articles 63A and 63B substitute—

“Additional pharmaceutical services

- 63A.—**(1) The Department may make arrangements for the provision of additional pharmaceutical services.
- (2) The arrangements—
- (a) may be made on such terms as the Department thinks appropriate;
 - (b) may impose, on any person providing a service in accordance with the arrangements, such conditions as the Department thinks appropriate.
- (3) But the arrangements must secure that any service to which they apply is provided only by a person whose name is included in a pharmaceutical list.
- (4) Different arrangements may be made with respect to—
- (a) different services;
 - (b) the provision of the same service by the same person but in different circumstances;

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(c) the provision of the same service by different persons.

(5) The Department must provide details of any proposed arrangements (including the remuneration to be offered for the provision of services) to any person who asks for them.

(6) The Department must publish such details as it thinks appropriate of arrangements under this Article—

(a) in the Drug Tariff, or

(b) in such other manner as it thinks appropriate.

(7) In this Article—

“additional pharmaceutical services” means services of a kind that do not fall within Article 63;

“Drug Tariff” means the Drug Tariff published under regulation 9 of the Pharmaceutical Services Regulations (Northern Ireland) 1997 or under any corresponding provision replacing, or otherwise derived from, that regulation;

“pharmaceutical list” means, subject to the arrangements made, a list—

(a) published by the Department in accordance with regulations made under Article 63AA(2)(za); or

(b) published by any body in accordance with regulations made under—

(i) section 27(3)(a) of the National Health Service (Scotland) Act 1978,

(ii) section 129(2)(a) of the National Health Service Act 2006,

(iii) section 83(2)(a) of the National Health Service (Wales) Act 2006, or

(iv) any provision of the law of Scotland or England and Wales that re-enacts (with or without amendment) any of those sections.”.

36.—(1) Article 64 is amended as follows.

(2) In paragraphs (1) and (1A), for “a Health and Social Services Board” substitute “the Department”.

(3) In paragraph (1A), omit “in the Board’s area”.

(4) In paragraph (2), omit “a direction under”.

37.—(1) Article 64C is amended as follows.

(2) In paragraph (2), for “a Health and Social Services Board”, “the Board” and “that Board” substitute “the Department”.

(3) In paragraph (3), in the definition of “indemnity cover”, for “a Health and Social Services Board” substitute “the Department”.

38. Article 79 is omitted.

39. Article 80 is omitted.

40.—(1) Article 81 is omitted so far as it relates to Health and Social Services Boards.

(2) But that Article continues to apply to any property transferred to an HSC trust or the trustees for an HSC trust as mentioned in Article 16(8) of the 1991 Order.

41. Article 82 is omitted.

42.—(1) Article 83 is amended as follows.

(2) In paragraph (1), omit “a Health and Social Services Board or”.

(3) Omit paragraph (1A)(a).

(4) Omit paragraph (2).

43.—(1) Article 85 is amended as follows.

(2) In paragraph (1), omit “A Health and Social Services Board or”.

(3) In paragraph (2)—

(a) in sub-paragraph (a), for “Health and Social Services Board” substitute “HSC trust”;

(b) omit sub-paragraph (b).

(4) For the heading substitute “Power for certain health bodies to accept property on trust, etc”.

44.—(1) Article 86 is amended as follows.

(2) In paragraph (1)—

(a) in sub-paragraph (a), omit “Health and Social Services Boards or”;

(b) omit “a Health and Social Services Board,”.

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.

(2) In paragraph (1)—

(a) for “the Department” (in the first place) substitute “an HSC trust”;

(b) for “the Department” (in the second place) substitute “the trust”.

(3) In paragraph (2), omit the words from “and that standard rate” to the end.

(4) After paragraph (2) insert—

“(2A) Different rates may be determined under paragraph (2) for (in particular)—

- (a) different descriptions of accommodation;
- (b) accommodation provided by different trusts.

(2B) The standard rate determined for accommodation provided by any trust must represent the full cost to the trust of providing that accommodation, other than any costs in respect of nursing care by a registered nurse (within the meaning given by Article 36(4A)) at that accommodation.”.

- (5) In paragraph (3), for “the Department” (in both places) substitute “the trust”.
- (6) In paragraph (6)—
 - (a) for “The Department” substitute “An HSC trust”;
 - (b) for “the Department” (in both places) substitute “the trust”.
- (7) In the heading to the Article, for “Department” substitute “HSC trust”.

48.—(1) Article 101 is amended as follows.

- (2) In paragraph (1), for “the Ministry” substitute “the appropriate HSC trust”.
- (3) After paragraph (1) insert—
 - “(1A) The “appropriate HSC trust” is the trust that provided the accommodation, or arranged or secured its provision, or (as the case may be) proposed the provision of it.”.
- (4) In paragraphs (4) and (5), for “the Ministry” substitute “the trust”.

49.—(1) Article 101A is amended as follows.

- (2) In paragraph (1)—
 - (a) for “the Department” (in the first place) substitute “the appropriate HSC trust”;
 - (b) for “the Department receive” substitute “the trust receives”.
- (3) In paragraph (2), for “the Department” substitute “the appropriate HSC trust”.
- (4) After paragraph (2) insert—
 - “(2A) “The appropriate HSC trust” is the trust that provided the accommodation, or arranged or secured the provision of it.”.

50.—(1) Schedule 6 is amended as follows.

- (2) In paragraph 8—
 - (a) omit “the Department or”;
 - (b) for “the Ministry” substitute “an HSC trust”.
- (3) In paragraph 12, for the definition of “responsible authority” substitute—

““responsible authority”, in relation to any person, means the HSC trust in whose operational area the person resides;”.

51.—(1) Schedule 9 is amended as follows.

(2) In paragraph 1, for the words from “The Ministry” to “Boards to” substitute “The Department may, in accordance with paragraphs 1A to 5,”.

(3) After paragraph 1 insert—

“**1A.** Loans to practitioners providing primary medical services (GP loans”) are to be made in accordance with a scheme that is provided for in regulations made, with the approval of the Department of Finance, by the Department.”.

(4) In paragraph 2—

(a) for the words from “Without prejudice” to “may make” substitute “Regulations under paragraph 1A may include”;

(b) omit sub-paragraph (a);

(c) for sub-paragraph (b) substitute—

“(b) the guaranteeing by the Department of Finance of the payment of interest on, and the repayment of the principal of, any loan raised by the Department for the purpose of making GP loans;”;

(d) in sub-paragraph (c), for “loans made under the order” substitute “GP loans”;

(e) for sub-paragraph (d) substitute—

“(d) authorising the Department to hold and dispose of any land or property conveyed to it as security for a GP loan;”;

(f) in sub-paragraph (e), for “loans under the order” substitute “GP loans”.

(5) For paragraph 3 substitute—

“**3.** No regulations may be made under paragraph 1A unless a draft of the regulations has been laid before and approved by resolution of the Assembly.”.

(6) Omit paragraph 4.

(7) In paragraph 5—

(a) for “Where an order under this Schedule authorises the Ministry of Finance” substitute “Where regulations under paragraph 1A authorise the Department of Finance”;

(b) for “the Health and Social Services Boards” substitute “the Department”;

(c) in sub-paragraph (a)—

(i) for “order” substitute “regulations”;

(ii) for “£6,000,000” substitute “a sum specified in the scheme”;

(d) in sub-paragraph (b)—

Status: This is the original version (as it was originally enacted).

- (i) for “the Ministry” substitute “the Department”;
- (ii) for “the order” substitute “the regulations”;
- (e) in sub-paragraph (c), for “the Ministry” substitute “the Department”;
- (f) in sub-paragraph (d)—
 - (i) for “the Health and Social Services Board” substitute “the Department”;
 - (ii) for “the Ministry of Finance” substitute “the Department of Finance”;
 - (iii) for “that Ministry” (in each place) substitute “the Department of Finance”.

52.—(1) Schedule 10 is amended as follows.

- (2) In paragraph 1(1), omit “and has never carried on the practice”.
- (3) In paragraph 2—
 - (a) in sub-paragraph (2), for “the Regional Board” substitute “the Department”;
 - (b) in sub-paragraph (3), for “Health and Social Services Board” and “Board” substitute “Department”;
 - (c) in sub-paragraphs (4), (6) and (7), for “the Health and Social Services Board” substitute “the Department”.

53.—(1) Schedule 11 is amended as follows.

- (2) In paragraph 1(2), for “the Regional Board” substitute “the Department”.
- (3) In paragraph 3(6)—
 - (a) for “a Health and Social Services Board” substitute “the Department”;
 - (b) for “the Board” substitute “the Department”.
- (4) In paragraph 4(5)(b), for “any Health and Social Services Board” substitute “the Department”.
- (5) In paragraph 5—
 - (a) in sub-paragraph (3), for “any Health and Social Services Board” substitute “the Department”;
 - (b) in sub-paragraph (4), for “a Health and Social Services Board” substitute “the Department”.
- (6) In paragraph 7(2), omit “to each Health and Social Services Board and”.
- (7) In paragraph 9—
 - (a) in sub-paragraph (1), for “A Health and Social Services Board which has made representations under paragraph 1 may” substitute “The Department may, if it has made representations under paragraph 1”;

- (b) in sub-paragraph (2), for “A Health and Social Services Board” substitute “The Department”;
- (c) in sub-paragraph (8), for “a Health and Social Services Board” and “the Board” substitute “the Department”.
- (8) In paragraph 14—
 - (a) for “any Health and Social Services Board” substitute “the Department”;
 - (b) for “that Board” substitute “the Department”.
- (9) In paragraph 17(1), for “Health and Social Services Boards” substitute “the Department”.

54.—(1) Schedule 14 is omitted so far as it relates to Health and Social Services Boards.

(2) But that Schedule continues to apply to all endowments (and income thereof) transferred to an HSC trust or the trustees for an HSC trust as mentioned in Article 16(7) of the 1991 Order.

55.—(1) Schedule 15 is amended as follows.

(2) In paragraph 2, for “the Health and Social Services Boards” substitute “the Department”.

(3) In paragraph 2A—

- (a) in sub-paragraph (1), omit “or by a Health and Social Services Board”;
- (b) in sub-paragraph (4), omit—
 - (i) “or a Health and Social Services Board” (in both places), and
 - (ii) “, the Board” (in both places).