
STATUTORY INSTRUMENTS

1972 No. 1265

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

**PART I
INTRODUCTORY**

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to an Act of the Parliament of Northern Ireland.

(2) In this Order^[F1] and the 1991 Order]

^[F2]“Article 15B arrangements” means arrangements under Article 15B;]

^{F3}

“child” means a person who is not over compulsory school age;

Definition rep. by 1988 NI 23

“compulsory school age” has the same meaning as in the Education and Libraries (Northern Ireland)^[F4] Order 1986];

Definition rep. by 1991 NI 1

“dental practitioner” means a person registered in the dentists' register under the Dentists Act^[F5] 1984];

“directions”, except in Articles 9 and 11 and Schedule 11, means directions in writing ^[F6]given by the Department];

“disability” includes mental disorder as well as physical disability;

Definition rep. by 1984 NI 8

^{F7} ...

^[F8]“EEA agreement” means the agreement on the European Economic Area signed at Oporto on 2nd May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993, as modified or supplemented from time to time;

“EEA state”, in relation to any time, means—

(a) a state which at that time is a member State; or

(b) any other state which at that time is a party to the EEA agreement;]

“endowment”, in relation to a hospital which was immediately before 5th July 1948 a voluntary hospital or a local authority hospital, means property held immediately before 1st August 1951 or, in the case of the Mater Infirmorum Hospital, 1st January 1972, by the governing body of the hospital or by trustees solely for the purposes of that hospital or, in the case of a local

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authority hospital, by the local authority or other body solely for the purposes of that hospital, being property of the following descriptions—

- (a) interests in or attaching to land (other than such premises as were transferred to and vested in the Northern Ireland Hospitals Authority under section 23(1) or (5) of the Health Services Act (Northern Ireland) 1948), and in equipment, furniture or other movable property used on, or in connection with, that land;
- (b) shares, stocks, bonds, debentures and other securities and any other personal property held by way of an investment;
- (c) money, including any credit in a banking account;
- (d) rights under any bill of exchange, promissory note, bond or obligation for the payment of money;

but so that “endowment” does not include any property in respect of which trustees are required or authorised under Article 83 to make payments to a Health and Social Services board;

“equipment” includes any machinery, apparatus or appliance, whether fixed or not, and any vehicle;

“general dental services” has the meaning assigned to it by Article 61(1);

Definition rep. by 2004 NI 2

[^{F9}“general medical services contract” has the meaning given by Article 57;]

“general ophthalmic services” has the meaning assigned to it by [^{F10} Article 62(9)];

“governing body”, in relation to any voluntary hospital, includes any body, whether corporate or unincorporate, having the control and management of the hospital or any part thereof, or otherwise carrying on the business of the hospital or any part thereof;

“government department” means a department of the Government of Northern Ireland;

“grammar school” has the same meaning as in the Education and Libraries (Northern Ireland)[^{F4} Order 1986];

“grant-aided”, in relation to a school, has the same meaning as in the Education and Libraries (Northern Ireland)[^{F4} Order 1986];

^{F11}[^{F1}.....]

“health and [^{F12}social care] contract” has the meaning assigned to it by Article 8(3) of the 1991 Order and “ [^{F13}HSC contract]” shall be construed accordingly;

^{F14}.....]

“health authority” means a health authority constituted under the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946 ;

^{F15}.....]

[^{F2}“ [^{F16}health care] body” has the meaning given in Article 8(2A) of the 1991 Order;]

Definition rep. by 1992 NI 20

“hospital” means any institution for the reception and treatment of persons suffering from illness, any maternity home, any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, any institution for providing dental treatment and maintained in connection with a dental school, and clinics, dispensaries and out-patient departments maintained in connection with any such institution or home;

“illness” includes mental disorder and any injury or disability requiring medical or dental treatment or nursing;

“independent school” has the same meaning as in the Education and Libraries (Northern Ireland)^{F4} Order 1986];

“local authority” means the council of a county or county borough or a new town commission exercising the functions of the council of a county borough;

“management committees” means management committees within the meaning of the Health Services Act (Northern Ireland) 1971 and the Mental Health Act;

“managers”, where used in relation to a voluntary school, has the same meaning as in the Education and Libraries (Northern Ireland)^{F4} Order 1986];

“medical” includes surgical;

^{F17}“medical practitioner” means a registered person within the meaning of^{F18} the Medical Act 1983];

^{F19} “medicine” includes such chemical reagents as are included in a list for the time being approved by the Department for the purposes of Article 63;]

“mental disorder” has the same meaning as in the Mental Health ^{F20}Order];

^{F21}“Mental Health Order” means the Mental Health (Northern Ireland) Order 1986;]

“the Minister” means the Minister of Health and Social Services;

^{F22}

“modify” means making additions, omissions, amendments, adaptations, applications, extensions, restrictions and substitutions;

“notice” means notice in writing;

“officer” includes servant;

^{F23}“operational area”, in relation to an ^{F24}HSC trust], shall be construed in accordance with paragraph 3A of Schedule 3 to the 1991 Order;]

^{F1}“operational date”, in relation to an ^{F24}HSC trust], shall be construed in accordance with paragraph 3(1)(e) of Schedule 3 to the 1991 Order;]

^{F25}“ophthalmic optician” means a person registered in the register of optometrists maintained under section 7 of the Opticians Act 1989 or a body corporate registered in the register of bodies corporate maintained under section 9 of that Act carrying on business as an optometrist.]

^{F26}

^{F1}“the 1991 Order” means the Health and Personal Social Services (Northern Ireland) Order 1991;]

“owner” means the person for the time being receiving the rack rent of the land in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if the land were let at a rack rent;

“parent” in relation to any child or young person includes^{F27} any person who has parental responsibility for or care] of the child or young person;

^{F27}“parental responsibility” has the same meaning as in the Children (Northern Ireland) Order 1995;]

^{F28}“Part VI services” means general medical services, general dental services, general ophthalmic services or pharmaceutical services;]

“patient” includes an expectant or nursing mother and a lying-in woman;

“person in need” means a person who—

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- (a) is in need of care and attention arising out of infirmity or age; or
- (b) suffers from illness or is substantially handicapped by any deformity or disability; or
- Sub-para. (c) rep. by 1988 NI 23*
- (d) being a person who has asked for assistance, is, in the opinion of the Ministry, a person to whom any of the [F12social care] provided by it may be made available;

F17F29

“pharmacist” has the same meaning as in the [F30Human Medicines Regulations 2012];

“pharmaceutical services” has the meaning assigned to it by Article 63(1);

“prescribed” means prescribed by regulations;

[F9“primary medical services” means services which are primary medical services for the purposes of Part VI (see Article 56);]

“public body” means a body established by or under any transferred provision;

[F8“Regulation (EC) No. 883/2004” means Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems;]

F31

“relative” means a spouse[F32 or civil partner] or a lineal ancestor or lineal descendant, or lineal descendant of an ancestor not more remote than great-grandfather or great-grandmother;

F33

Definition rep. by 1991 NI 1

“statutory instrument” has the meaning assigned to it by section 1(d) of the Interpretation Act (Northern Ireland) 1954 ;

[F23“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;]

[F2“statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954;]

“superannuation benefits” means annual superannuation allowances, gratuities and periodical payments payable on retirement, death or incapacity, and similar benefits;

[F34“trade dispute” has the same meaning as in section 27 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;]

“transferred provision” has the meaning assigned to it by section 1(g) of the Interpretation Act (Northern Ireland) 1954;

“the Tribunal” mean the Tribunal mentioned in Schedule 11;

“voluntary organisation” means any association carrying on or proposing to carry on any activities otherwise than for the purpose of gain by the association or by individual members thereof;

F35

“welfare authority” means a welfare authority constituted under the Public Health and Local Government (Administrative Provisions) Act (Northern Ireland) 1946 .

[F36“the 2009 Act” means the Health and Social Care (Reform) Act (Northern Ireland) 2009;]

[F37(2A) In this Order the following expressions have the meanings given to them by section 31(1) of the 2009 Act—

“the Department”;

“health care”;
“health and social care bodies”;
“health inequalities”;
“HSC trust”;
“the Regional Agency”;
“the Regional Board”;
“RBSO”;
“RQIA”;
“regulations”;
“social care”; and
“special agency”.]

(3) For the purposes of this Order—

- (a) power to provide any thing includes power to acquire, establish, lay out, erect or construct it and to provide buildings, works, equipment, facilities, services and amenities for or in connection with it and any other thing incidental or ancillary to it and to maintain it;
- (b) power to maintain any thing includes power to operate, manage, repair, extend, alter, improve, re-erect and renew it or any such buildings, works, equipment, facility, service, amenity or other thing as aforesaid.

(4) References in this Order to the purposes of a hospital shall be construed as referring both to the general purposes of the hospital and to any specific purpose of the hospital.

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| F1 | 1991 NI 1 |
| F2 | 1997 NI 7 |
| F3 | Art. 2(2): definition of "the Agency" repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(1)(a), Sch. 7; S.R. 2009/114, art. 2 |
| F4 | 1986 NI 3 |
| F5 | 1984 c.24 |
| F6 | Art. 2(2): words in the definition of "directions" substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(1)(b); S.R. 2009/114, art. 2 |
| F7 | Words in art. 2(2) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 4 (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b) |
| F8 | Words in art. 2(2) inserted (10.5.2012) by The Health Care (Reimbursement of the Cost of EEA Services etc.) Regulations (Northern Ireland) 2012 (S.R. 2012/167), regs. 1, 4(1) |
| F9 | 2004 NI 2 |
| F10 | 1988 NI 24 |
| F11 | Art. 2(2): definition of "Health and Social Services Board" repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(1)(a), Sch. 7; S.R. 2009/114, art. 2 |
| F12 | Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 1(1)(a); S.R. 2009/114, art. 2 |
| F13 | Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 1(1)(e); S.R. 2009/114, art. 2 |
| F14 | Art. 2(2): definition of "Health and Social Services trust" repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(1)(a), Sch. 7; S.R. 2009/114, art. 2 |
| F15 | Art. 2(2): definition of "health services" repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(1)(a), Sch. 7; S.R. 2009/114, art. 2 |

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- F16** Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), **Sch. 6 para. 1(1)(b)**; S.R. 2009/114, **art. 2**
- F17** prosp. inserted by 1997 NI 7
- F18** 1983 c.54
- F19** 1978 NI 26
- F20** Art. 2(2): word in the definition of "mental disorder" substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), **Sch. 6 para. 3(1)(d)**; S.R. 2009/114, **art. 2**
- F21** 1986 NI 4
- F22** Art. 2(2): definition of "the Ministry" repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(1)(a), **Sch. 7**; S.R. 2009/114, **art. 2**
- F23** 1994 NI 2
- F24** Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), **Sch. 6 para. 1(1)(d)**; S.R. 2009/114, **art. 2**
- F25** SI 2005/848
- F26** Art. 2(2): definition of "order" repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(1)(a), **Sch. 7**; S.R. 2009/114, **art. 2**
- F27** 1995 NI 2
- F28** 2001 c. 3 (NI)
- F29** Art. 2(2): definition of "personal social services" repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(1)(a), **Sch. 7**; S.R. 2009/114, **art. 2**
- F30** Words in art. 2(2) substituted (14.8.2012) by The Human Medicines Regulations 2012 (S.I. 2012/1916), reg. 1(2), **Sch. 34 para. 46(a)** (with Sch. 32)
- F31** Art. 2(2): definition of "regulations" repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(1)(a), **Sch. 7**; S.R. 2009/114, **art. 2**
- F32** SR 2005/479
- F33** Art. 2(2): definition of "special agency" repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(1)(a), **Sch. 7**; S.R. 2009/114, **art. 2**
- F34** 1992 c.9
- F35** Art. 2(2): definition of "waters forming part of a port" repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(1)(a), **Sch. 7**; S.R. 2009/114, **art. 2**
- F36** Art. 2(2): definition of "the 2009 Act" inserted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), **Sch. 6 para. 3(1)(c)**; S.R. 2009/114, **art. 2**
- F37** Art. 2(2A) inserted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), **Sch. 6 para. 3(2)**; S.R. 2009/114, **art. 2**

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