

SCHEDULES

[^{F1}SCHEDULE 11

DISQUALIFICATION OF PERSONS PROVIDING PART VI SERVICES

F1 2001 c. 3 (NI)

PART I

THE TRIBUNAL

Applications for interim suspension

9.—(1) [^{F2}The Department may, if it has made representations under paragraph 1] , at any time before the case is disposed of by the Tribunal, apply to the Tribunal for a direction to be made under sub-paragraph (3) in relation to the person to whom the case relates.

(2) [^{F3}The Department] may, if it has requested a review of a conditional disqualification on the ground mentioned in paragraph 5(3)(b) or (c), at any time before the review is concluded apply to the Tribunal for a direction to be made under sub-paragraph (3) in relation to the person to whom the review relates.

(3) If, on an application under this paragraph, the Tribunal is satisfied that either of the conditions for doing so is satisfied, it shall direct that sub-paragraph (5) shall apply to the person concerned as respects services of the kind to which the case in question, or the case to which the review in question, relates.

(4) The conditions for giving such a direction are—

- (a) that it is necessary to do so in order to protect persons who are, or may be, provided with services under Part VI of this Order to which the case in question, or the case to which the review in question, relates;
- (b) in, or in the case of a review relating to, a fraud case, that unless it does so there is a significant risk that—
 - (i) an act or omission within paragraph 1(7)(a) will occur; or
 - (ii) the investigation of the case of the review will be prejudiced.

(5) A person to whom this sub-paragraph applies shall—

- (a) be deemed to have been removed from any relevant list in which his name is included;
- (b) be disqualified for inclusion in any relevant list in which his name is not included; and
- (c) be deemed to be a person in relation to whom there is in force a declaration of unfitness in relation to the provision [^{F4}or performance] of services of the relevant kind.

(6) A direction under sub-paragraph (3) shall cease to have effect on the Tribunal's disposing of the case or review in connection with which it is made.

(7) In the application of sub-paragraph (5) to any person—

Changes to legislation: *Health and Personal Social Services (Northern Ireland) Order 1972, Paragraph 9 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) “relevant list” means a list of persons [^{F5}performing or] undertaking to provide services of the kind to which the direction applying the sub-paragraph to him relates; and
- (b) “services of the relevant kind” means services of the kind to which that direction relates.

[
^{F6}(8) Regulations may provide that where [^{F7}the Department] , in accordance with regulations made under Article 57G, [^{F8}or 61F,] suspends a person from a list prepared under regulations made under the provision in question and [^{F7}the Department] applies to the Tribunal for a direction to be made under sub-paragraph (2) in relation to the person to whom the suspension applies, the suspension may continue until the Tribunal determines the application.]]

- F2** Words in Sch. 11 para. 9(1) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\)](#), **Sch. 1 para. 53(7)(a)**; S.R. 2022/102, art. 2(b)
- F3** Words in Sch. 11 para. 9(2) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\)](#), **Sch. 1 para. 53(7)(b)**; S.R. 2022/102, art. 2(b)
- F4** Words in Sch. 11 para. 9(5)(c) inserted (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\), ss. 11, 18\(1\)\(a\)\(b\)](#), **Sch. 1 para. 8(2)**
- F5** Words in Sch. 11 para. 9(7)(a) inserted (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\), ss. 11, 18\(1\)\(a\)\(b\)](#), **Sch. 1 para. 8(3)**
- F6** Sch. 11 para. 9(8) added (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\), ss. 11, 18\(1\)\(a\)\(b\)](#), **Sch. 1 para. 8(4)**
- F7** Words in Sch. 11 para. 9(8) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\)](#), **Sch. 1 para. 53(7)(c)**; S.R. 2022/102, art. 2(b)
- F8** Words in Sch. 11 para. 9(8) substituted (13.6.2016) by virtue of [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016 \(c. 26\), ss. 12\(1\)\(r\), 20\(2\)](#)

Changes to legislation:

Health and Personal Social Services (Northern Ireland) Order 1972, Paragraph 9 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Instrument amended by [1995 c. 51 s.4Sch. para.30](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 56(4C)(4D) substituted by [S.I. 2002/3135 Sch. 1 para. 16](#) (This amendment has not been applied as it has been superceded by the substitution of art. 56 by 2004/311 NI 2 art. 3)
- art. 61-61E and art. 61F and cross-heading substituted for art. 61 by [2008 c. 2 \(N.I.\) s. 2\(2\)](#) (This amending provision is itself amended (13.6.2016) before it comes into force by 2016 c. 26 (N.I.), ss. 9, 20(2))
- art. 98(3) added by [2008 c. 2 \(N.I.\) s. 4\(1\)](#)
- art. 107(1A) inserted by [2008 c. 2 \(N.I.\) s. 4\(4\)\(b\)](#)