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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 93**

**The Regional Agency for Public Health and Social Well-being (Membership) Regulations (Northern Ireland) 2009**

**Disqualification for appointment**

4.—(1) Subject to regulation 5, a person shall be disqualified for appointment under regulation 2(1) and 2(4) if that person—

- (a) has within five years of the day the appointment would otherwise have taken effect been convicted, whether in the United Kingdom or elsewhere, of any offence and has been given a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;
- (b) has been dismissed, other than by reason of redundancy, from any paid employment with the Department, a health and social care body [<sup>F1</sup>, a health service body or a former health service body];
- (c) is the subject of a bankruptcy restrictions order [<sup>F2</sup>or he is the subject of a debt relief restrictions order];
- (d) is subject to a disqualification under the Company Directors Disqualification (Northern Ireland) Order 2002(1), the Company Directors Disqualification Act 1986(2) or to an order made under section 429(2)(b) of the Insolvency Act 1986(3) (failure to pay under county court administration order);
- (e) has been
  - (i) removed from the office of charity trustee or trustee for a charity in Northern Ireland or by an order made by the Charity Commissioners or the High Court in England and Wales on the grounds of any misconduct or mismanagement in the administration of the charity for which that person was responsible or to which that person was privy, or which that person by his conduct contributed to or facilitated; or,
  - (ii) removed under section 7 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990(4) (powers of the Court of Session to deal with management of charities), from being concerned in the management or control of any body;
- (f) is a Chair, chairman, member or non-executive director of a health and social care body or a health service body [<sup>F3</sup>(other than a clinical commissioning group)];
- [<sup>F4</sup>(fa) is the chair or a member of the governing body of a clinical commissioning group; ]
- (g) holds any paid employment or office with the Department, a health and social care body or a health service body;

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(1) S.I. 2002/3150 (N.I. 4)  
(2) 1986 c.46  
(3) 1986 c.45  
(4) 1990 c.40

- (h) is a person who has been removed from office as the Chair, chairman, member or non-executive director of a health and social care body [<sup>F5</sup>, a health service body (other than a clinical commissioning group) or a former health service body;]
- [<sup>F6</sup>(i) is a person who has been removed from office as the chair or a member of the governing body of a clinical commissioning group.]
- (2) For the purposes of paragraph 1(a)—
- (a) the date of conviction shall be deemed to be the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its not being prosecuted; and
- (b) there shall be disregarded—
- (i) any conviction by or before a court outside the United Kingdom for an offence in respect of conduct which, if it had taken place in any part of the United Kingdom, would not have constituted an offence under the law in force in that part of the United Kingdom;
- (ii) any sentence of imprisonment passed by such a court on a person who at the time the sentence was passed was under 21 years of age.
- (3) For the purposes of paragraph 1(b)—
- (a) a person shall not be treated as having been in paid employment by reason only of his being [<sup>F7</sup>(i)] a Chair, chairman, member or non-executive director of a health and social care body [<sup>F8</sup>, a health service body (other than a clinical commissioning group) or a former health service body, or
- (ii) the chair or a member of the governing body of a clinical commissioning group;] and
- (b) “dismissed” excludes dismissal which was established to have been unfair in industrial tribunal proceedings.

#### Textual Amendments

- F1** Words in reg. 4(1)(b) substituted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 136(3)(a)**
- F2** Words in reg. 4(1)(c) inserted (7.3.2016) by [The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\)](#), art. 1, **Sch. para. 52(3)**
- F3** Words in reg. 4(1)(f) inserted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 136(3)(b)**
- F4** Reg. 4(1)(fa) inserted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 136(3)(c)**
- F5** Words in reg. 4(1)(h) substituted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 136(3)(d)**
- F6** Reg. 4(1)(i) inserted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 136(3)(e)**
- F7** Word in reg. 4(3)(a) inserted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 136(3)(f)(i)**

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**Changes to legislation:** *There are currently no known outstanding effects for the The Regional Agency for Public Health and Social Well-being (Membership) Regulations (Northern Ireland) 2009, Section 4. (See end of Document for details)*

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**F8** Words in reg. 4(3)(a) substituted (1.4.2013) by The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013 (S.I. 2013/235), art. 1(2), **Sch. 2 para. 136(3)(f)(ii)**

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**Commencement Information**

**I1** Reg. 4 in operation at 1.4.2009, see **reg. 1(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Regional Agency for Public Health and Social Well-being (Membership) Regulations (Northern Ireland) 2009, Section 4.