
STATUTORY INSTRUMENTS

1991 No. 195

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

Amendment of the National Health Service and Community Care Act 1990

7.—(1) The National Health Service and Community Care Act 1990(1) shall have effect subject to the following provisions of this Article.

(2) In section 3 after subsection (6) there shall be inserted the following subsection—

“(6A) The reference in subsection (6) above to a function of a health board shall, in relation to a Health and Social Services Board constituted under the Health and Personal Social Services (Northern Ireland) Order 1972, be construed as a reference to a primary function of such a Board within the meaning of Article 9 of the Health and Personal Social Services (Northern Ireland) Order 1991.”.

(3) In section 4(2) the word “and” at the end of paragraph (h) is hereby repealed and after paragraph (i) there shall be added the following paragraphs—

- “(j) the Northern Ireland Central Services Agency for the Health and Social Services established under the Health and Personal Social Services (Northern Ireland Order 1972;
- (k) a special health and social services agency established under the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990;
- (l) a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991; and
- (m) the Department of Health and Social Services for Northern Ireland.”.

(4) In section 4(9), sub-paragraph (b) and the word “and” immediately before it are hereby repealed.

(5) In section 4 after subsection (9) there shall be added the following subsection—

“(10) Where a Health and Social Services Board constituted under the Health and Personal Social Services (Northern Ireland) Order 1972 or a body mentioned in subsection (2)(j), (k), (l) or (m) above is a party or prospective party to an arrangement or proposed arrangement which—

- (a) falls within the definition of NHS contract in subsection (1) above; and
- (b) also falls within the definition of HSS contract in Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1991,

subsections (3) to (8) above shall apply in relation to that arrangement or proposed arrangement with the substitution for references to the Secretary of State of references to the Secretary of State and the Department of Health and Social Services for Northern Ireland acting jointly.”.

(6) In section 61(3) after “1978” there shall be inserted “or to a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991”.

(7) In section 62 after subsection (7) there shall be added the following subsection—

“(8) In the application of this section to Northern Ireland—

- (a) references to the Health Ministers in subsections (1)(a) and (3)(d) shall be construed as including references to the Department of Health and Social Services for Northern Ireland;
- (b) “health service body” means—
 - (i) a Health and Social Services Board established under the Health and Personal Social Services (Northern Ireland) Order 1972;
 - (ii) the Northern Ireland Central Services Agency for the Health and Social Services established under that Order;
 - (iii) a special health and social services agency established under the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990; and
 - (iv) a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991;
- (c) “services” means health services provided—
 - (i) by a health service body under Part II or V of the Health and Personal Social Services (Northern Ireland) Order 1972; or
 - (ii) pursuant to an HSS contract, as defined in Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1991.”.

(8) In section 67(5) for “and 61” there shall be substituted “, 61 and 62”.

(9) In Schedule 2 in paragraph 19 after sub-paragraph (1) there shall be inserted the following sub-paragraph—

“(1A) The reference in sub-paragraph (1) above to a function of a health board shall, in relation to a Health and Social Services Board constituted under the Health and Personal Social Services (Northern Ireland) Order 1972, be construed as a reference to a primary function of such a Board within the meaning of Article 9 of the Health and Personal Social Services (Northern Ireland) Order 1991.”.