

Health and Social Care Bill

[AS INTRODUCED]

LEGISLATIVE COMPETENCE

At Introduction the Minister of Health had made the following statement under section 9 of the Northern Ireland Act 1998:

“In my view the Health and Social Care Bill would be within the legislative competence of the Northern Ireland Assembly.”

Health and Social Care Bill

[AS INTRODUCED]

CONTENTS

1. Dissolution of the Regional Health and Social Care Board
2. Transfer of the Regional Board's functions
3. Schemes for transfer of assets and liabilities
4. Transitional provision
5. Interpretation
6. Commencement
7. Short title

SCHEDULES:

- | | |
|------------|--------------------------------------------|
| Schedule 1 | Transfer of the Regional Board's functions |
| Schedule 2 | Transfer of assets, etc |
| Schedule 3 | Transitional provision |
| Part 1 | Accounts and reports of the Regional Board |
| Part 2 | Other transitional provision |

A

BILL

TO

Dissolve the Regional Health and Social Care Board; to make provision for and in connection with the exercise by the Department of Health and Health and Social Care trusts of the functions of the Board; and for connected purposes.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Dissolution of the Regional Health and Social Care Board

1. The Regional Health and Social Care Board is dissolved.

Transfer of the Regional Board's functions

2. Schedule 1 contains—

- 5 (a) amendments providing for the transfer of the Regional Board's functions;
and
(b) amendments consequential on the transfer of those functions.

Schemes for transfer of assets and liabilities

10 **3.**—(1) The Department must, in connection with the dissolution of the Regional Board, make one or more schemes for the transfer of all the assets and liabilities of the Board.

(2) A scheme may transfer assets and liabilities to—

- (a) the Department; or
(b) the Regional Business Services Organisation.

15 (3) A scheme must—

- (a) designate the assets or liabilities to be transferred by it (see paragraph 1(1) of Schedule 2 for how assets and liabilities may be designated);
(b) specify the person to whom each asset or liability is to be transferred;
(c) specify the date on which the scheme is to have effect (the “transfer date”).

Health and Social Care

(4) On the transfer date the designated assets or liabilities are transferred and vest in accordance with the scheme.

(5) Schedule 2 contains provision about schemes.

Transitional provision

5 **4.**—(1) In Schedule 3—

(a) Part 1 contains provision about the final accounts and reports of the Regional Board;

(b) Part 2 contains other transitional provision connected with the coming into operation of this Act.

10 (2) The Department may by regulations make such further transitional, transitory or saving provision as it considers appropriate in connection with the coming into operation of any provision of this Act, including provision that amends or modifies any statutory provision.

(3) Regulations under subsection (2) are subject to negative resolution.

15 **Interpretation**

5. In this Act—

“the 1972 Order” means the Health and Personal Social Services (Northern Ireland) Order 1972;

20 “the 1991 Order” means the Health and Personal Social Services (Northern Ireland) Order 1991;

“the 1994 Order” means the Health and Personal Social Services (Northern Ireland) Order 1994;

“the Department” means the Department of Health;

“the Regional Board” means the Regional Health and Social Care Board;

25 “statutory document” and “statutory provision” have the meaning given by section 1(e) and (f) of the Interpretation Act (Northern Ireland) 1954.

Commencement

6.—(1) The following provisions come into operation on such day or days as the Department may by order appoint—

30 (a) section 1;

(b) section 2 and Schedule 1;

(c) section 4(1)(b) and Part 2 of Schedule 3.

(2) The other provisions of this Act come into operation on Royal Assent.

Short title

35 **7.** This Act may be cited as the Health and Social Care Act (Northern Ireland) 2021.

SCHEDULES

SCHEDULE 1

Section 2.

TRANSFER OF THE REGIONAL BOARD'S FUNCTIONS

5 *Factories Act (Northern Ireland) 1965*

1. In section 176(1) of the Factories Act (Northern Ireland) 1965, omit the definition of "Health and Social Services Board".

Children and Young Persons Act (Northern Ireland) 1968

10 2. In section 96(1) of the Children and Young Persons Act (Northern Ireland) 1968, omit "Board or".

Superannuation (Northern Ireland) Order 1972

3. In Schedule 1 to the Superannuation (Northern Ireland) Order 1972, omit the reference to the Regional Health and Social Care Board.

Health and Personal Social Services (Northern Ireland) Order 1972

15 4. The 1972 Order is amended as follows.

5. In Article 2(2), after the definition of "Article 15B arrangements" insert—

20 "“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—

25 “(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”.

30 (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)—

5 (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.

10 (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”.

15 (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”.

20 (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”.

25 (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.”.

30 (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”;

35 (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—

40 (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”
5 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”.

10 (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)—

15 (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”.

20 (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”;

25 (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”;

30 (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)—

35 (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”.
- 5 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”.
 - 10 (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.
 - 15 (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)—
 - 20 (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.
 - 25 (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”.
 - 30 (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.
 - 35 (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.

5 (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”.

10 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)—

15 (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”;

20 (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—

25 “(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.

30 (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”.

35 (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;

40 (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”.

5 (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—

10 (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.

15 (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—

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

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

(2) In paragraph (1)—

25 (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”.

30 (4) After paragraph (2AA) insert—

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

35 (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)—

40 (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 the Department 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—

- 5 (a) different services;
- (b) the provision of the same service by the same person but in different circumstances;
- (c) the provision of the same service by different persons.

10 (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—

- 15 (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;

20 “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—

- 25 (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—
 - 30 (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
 - 35 (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.

40 (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”.

5 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.

10 (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”.

15 (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)—

20 (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”.

25 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).

30 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”.

35 (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.”.

- 5 (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—
10 “(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”;
 - 15 (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—
20 “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—
- 25 (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)—
30 (i) for “order” substitute “regulations”;
 - (ii) for “£6,000,000” substitute “a sum specified in the scheme”;
 - (d) in sub-paragraph (b)—
(i) for “the Ministry” substitute “the Department”;
 - (ii) for “the order” substitute “the regulations”;
 - 35 (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”;
 - 40 (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”;
- 5 (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)—

- 10 (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—

- 15 (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”.

20 (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”;
- 25 (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”;
- 30 (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.

- 35 (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).

Solicitors (Northern Ireland) Order 1976

- 5 56. In Article 3(2) of the Solicitors (Northern Ireland) Order 1976, in the definition of “local authority”, omit “the Regional Health and Social Care Board.”.

Pharmacy (Northern Ireland) Order 1976

57. In Article 8AA(9) of the Pharmacy (Northern Ireland) Order 1976, for sub-paragraph (d) substitute—

10 “(d) the Department.”.

Chronically Sick and Disabled Persons (Northern Ireland) Act 1978

58. The Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 is amended as follows.

59.—(1) Section 1 is amended as follows.

15 (2) In subsection (1), omit “by that Department”.

(3) In subsection (2)—

(a) for “The Department of Health and Social Services for Northern Ireland” substitute “Each authorised HSC trust”;

(b) in paragraph (a), for “that Department” substitute “the trust”;

20 (c) in paragraph (b), for “the Department” substitute “the trust”.

(4) After subsection (2) insert—

“ (3) An authorised HSC trust is a Health and Social Care 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.”.

25

60.—(1) Section 2 is amended as follows.

(2) The existing text of section 2 becomes subsection (1) of that section.

(3) In subsection (1)—

(a) for “the Department of Health and Social Services for Northern Ireland” substitute “an authorised HSC trust”;

30

(b) after “any person” insert “who resides in its operational area and”;

(c) for “that Department” (in the first place) substitute “the trust”;

(d) omit “section 2(1)(b) of the Health and Social Services (Reform) Act (Northern Ireland) 2009 and” (in the first place);

35

(e) in paragraph (d)—

(i) omit “by that Department”;

(ii) for “and” (in the third place) substitute “or”;

(iii) for “that Department” (in the second place) substitute “the trust”;

(f) in paragraph (f) and the text following paragraph (h), for “that Department” substitute “the trust”.

40

(4) After subsection (1) insert—

“(2) In this section “authorised HSC trust” has the same meaning as in section 1.”.

61.—(1) Section 12 is amended as follows.

(2) In subsection (1), for “The Department of Health and Social Services for Northern Ireland” substitute “Each authorised HSC trust”.

(3) In subsection (2), for “that Department” substitute “any authorised HSC trust”.

(4) After subsection (3) insert—

“(4) In this section “authorised HSC trust” has the same meaning as in section 1.”.

Health and Safety at Work (Northern Ireland) Order 1978

62. In Article 50 of the Health and Safety at Work (Northern Ireland) Order 1978—

(a) for “Health and Social Services Board” substitute “Health and Social Care trust”;

(b) for “that Board” substitute “that trust”.

Judgments Enforcement (Northern Ireland) Order 1981

63. In Article 54 of the Judgments Enforcement (Northern Ireland) Order 1981—

(a) in paragraph (2), for “the Health and Social Services Board” substitute “the Health and Social Care trust”;

(b) in the heading, for “Health and Social Services Board” substitute “Health and Social Care trust”.

Legal Aid, Advice and Assistance (Northern Ireland) Order 1981

64. Omit Article 10(5A)(a) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

Diseases of Animals (Northern Ireland) Order 1981

65. In Article 10(5) of the Diseases of Animals (Northern Ireland) Order 1981, for the words from “the Health and Social” to “Order 1972” substitute “the Regional Agency for Public Health and Social Well-being and the Health and Social Care trust”.

Dentists Act 1984

66.—(1) The Dentists Act 1984 is amended as follows.

(2) In section 26B(8)—

(a) omit “and” at the end of paragraph (c);

(b) in paragraph (d), for “Health and Social Services Boards” substitute “Health and Social Care trusts”;

(c) after paragraph (d) add “; and

(e) the Department of Health in Northern Ireland.”.

(3) In section 36M(8)—

- (a) omit “and” at the end of paragraph (c);
- (b) in paragraph (d), for “Health and Social Services Boards” substitute “Health and Social Care trusts”;
- (c) after paragraph (d) add “; and
- 5 (e) the Department of Health in Northern Ireland.”.

(4) In section 50D(4)—

- (a) omit “and” at the end of paragraph (c);
- (b) in paragraph (d), for “Health and Social Services Boards” substitute “Health and Social Care trusts”;
- 10 (c) after paragraph (d) add “; and
- (e) the Department of Health in Northern Ireland.”.

Mental Health (Northern Ireland) Order 1986

67. The Mental Health (Northern Ireland) Order 1986 is amended as follows.

68.—(1) Article 2 is amended as follows.

15 (2) In paragraph (2)—

- (a) in the definition of “approved social worker”, omit “a Board or”;
- (b) omit the definition of “Board”;
- (c) in the definition of “responsible authority”, for paragraphs (a) and (b) substitute—

- 20 “(a) in relation to a patient whose admission to a hospital is being sought or who is in, or is liable to be detained in, a hospital, the authorised HSC trust in which the hospital is vested;
- (b) in relation to a patient who is the subject of a guardianship application or is subject to guardianship under this Order, the
- 25 authorised HSC trust in whose area the patient resides.”.

(3) In paragraph (2B), for the words from “by which functions” to the end of the paragraph substitute “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.”.

30 69. In Article 8(3), omit “a Board or”.

70. In Article 16(3)(f), omit “Board or”.

71. In Article 22(1), omit “Board,” (in both places).

72. In Article 25, omit “a Board or” (in both places).

73. In Article 26(b), omit “Boards and”.

35 74.—(1) Article 28 is amended as follows.

(2) In paragraphs (1) and (5), for “A Board or” substitute “An”.

(3) In paragraph (4)(b), omit “the Board or”.

75. In Article 33—

- (a) for “a Board or” substitute “an”;
- 40 (b) omit “Board or” (in the second place).

76.—(1) Article 40 is amended as follows.

(2) In paragraphs (1) and (3), omit “Board or”.

(3) In paragraph (4), for “a Board or” substitute “an”.

(4) Omit paragraph (6).

5 77.—(1) Article 42 is amended as follows.

(2) In paragraph (1), for “the Department” substitute “such authorised HSC trust as it may specify”.

(3) In paragraph (4), for “the Department” substitute “the trust which it proposes to specify”.

10 (4) In paragraph (9)(a) and (c), for “the Department” substitute “the trust”.

(5) In paragraph (9)(d), omit “the Board or”.

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

(2) In paragraph (1), for “the Department” substitute “such authorised HSC trust as it may specify”.

15 (3) In paragraph (3), for “the Department” substitute “the trust which it proposes to specify”.

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

(2) In paragraph (1)—

20 (a) for “the Department” substitute “such authorised HSC trust as it may specify”;

(b) omit “a Board or” (in both places).

(3) In paragraph (5), for “the Department” substitute “the trust which it proposes to specify”.

80.—(1) Article 45 is amended as follows.

25 (2) In paragraph (1), for “the Department” substitute “such authorised HSC trust as it may specify”.

(3) In paragraph (3), for “the Department” substitute “the trust which it proposes to specify”.

81.—(1) Article 46 is amended as follows.

30 (2) In paragraph (1)—

(a) for “the Department” substitute “the trust specified by the court”;

(b) omit “the Board or”.

(3) In paragraph (2)—

(a) for “the Department” substitute “the trust”;

35 (b) omit “the Board or”.

(4) In paragraph (3)—

(a) for “the Department” (in both places) substitute “the trust”;

(b) omit “the Board or”.

(5) In paragraph (5), omit “Board,”.

82. In Article 48(3)(a), for “the Department” substitute “the HSC trust”.

83. In Article 50A(4), for “the Department” substitute “the authorised HSC trust in which the hospital is vested”.

84. In Article 61(2), omit “Board or”.

5 85. In the heading to Article 73, for “Boards” substitute “responsible authorities”.

86.—(1) Article 86(2) is amended as follows.

(2) In sub-paragraph (c)—

(a) omit “a Board,”;

10 (b) omit “the Board,”.

(3) In sub-paragraph (d)—

(a) omit “a Board,”;

(b) omit “the Board,”.

(4) In sub-paragraph (e), omit “a Board,”.

15 87.—(1) Article 107 is amended as follows.

(2) In paragraph (1)—

(a) for “a Board or” substitute “an”.

(b) omit “Board or” (in the second place).

(3) Omit paragraph (1A).

20 88. In the heading to Part 9, for “AND BOARDS” substitute “, THE REGIONAL AGENCY AND HSC TRUSTS”.

89. In Article 111(1)(a), omit “Boards,”.

90.—(1) Article 112 is amended as follows.

25 (2) In paragraph (1), for “The Regional Health and Social Care Board” substitute “HSC trusts”.

(3) Omit paragraph (2).

(4) In the heading, for “Boards” substitute “the Regional Agency and HSC trusts”.

91.—(1) Article 113 is amended as follows.

30 (2) In paragraph (1)—

(a) for “a Board” substitute “an HSC trust”;

(b) in sub-paragraph (a), for “the Board” (in both places) substitute “the trust”.

(3) Omit paragraph (2).

(4) In the heading, for “Boards” substitute “HSC trusts”.

35 92.—(1) Article 114 is amended as follows.

(2) In paragraph (1), for “a Board” substitute “an HSC trust”.

(3) Omit paragraph (2).

(4) In the heading, for “Boards” substitute “HSC trusts”.

93.—(1) Article 115 is amended as follows.

(2) In paragraph (1), for “A Board” substitute “An authorised HSC trust”.

(3) In paragraph (2)—

(a) for “a Board” substitute “a trust”;

5 (b) for “the Board” substitute “the trust”.

(4) In paragraph (3), for “a Board” substitute “a trust”.

(5) Omit paragraph (4).

(6) In the heading, for “Boards” substitute “authorised HSC trusts”.

94.—(1) Article 116 is amended as follows.

10 (2) In paragraph (1)—

(a) for “a Board” substitute “an HSC trust”;

(b) for “the Board” substitute “the trust”.

(3) In paragraph (2), for “a Board” substitute “a trust”.

(4) In paragraph (3)—

15 (a) for “a Board” substitute “a trust”;

(b) for “the Board” substitute “the trust”.

(5) In paragraph (4), for “A Board” substitute “A trust”.

(6) Omit paragraph (6).

(7) In the heading, for “Boards” substitute “HSC trusts”.

20 95. In the heading to Article 117, for “Boards” substitute “responsible authorities”.

96.—(1) Article 118 is amended as follows.

(2) In paragraph (1), for “a Board” substitute “an HSC trust”.

(3) In paragraph (2), for “A Board” substitute “A trust”.

25 (4) In paragraph (4)—

(a) for “Each Board” substitute “Each HSC trust”;

(b) in sub-paragraph (a), for “the Board” substitute “the trust”.

(5) Omit paragraph (5).

(6) In the heading, for “Boards” substitute “HSC trusts”.

30 97. In Article 121(1), omit “a member of the Board or”.

98.—(1) Article 129 is amended as follows.

(2) In paragraphs (1) and (2), omit “of a Board or”.

(3) In paragraph (7), omit “Board or”.

99. In Article 133(4), omit “, a Board”.

35 100.—(1) In Part 1 of Schedule 2, paragraph 9(a) is amended as follows.

(2) For “the Department” substitute “the trust”.

101.—(1) Paragraph 3 of Schedule 2A is amended as follows.

- (2) In sub-paragraph (1)(a)—
 - (a) omit “the Board or”;
 - (b) omit “Board or” (in the second place).
- (3) In sub-paragraph (3)(c), omit “Board or”.

5 *Adoption (Northern Ireland) Order 1987*

102. The Adoption (Northern Ireland) Order 1987 is amended as follows.

103.—(1) Article 2 is amended as follows.

(2) In paragraph (2), omit the definition of “Board”.

10 (3) In paragraph (2A), for the words from “by which functions” to the end of the paragraph substitute “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.”.

(4) Omit paragraph (2D).

(5) In paragraph (5), for “a Board or” substitute “an”.

15 104.—(1) Article 3 is amended as follows.

(2) Omit paragraph (1)(bb).

(3) In paragraph (3), omit “a Board,”.

105.—(1) Article 8 is amended as follows.

(2) In paragraph (1), for “a Board or” (in both places) substitute “an”.

20 (3) In paragraph (2), omit “Board or”.

106. In Article 11(3)(a)(i), for “a Board or” substitute “an”.

107. In Article 13(3)(b), omit “Board or”.

108. In Article 18(2A), for “a Board or” substitute “an”.

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

25 (2) In paragraphs (1), (2) and (3), omit “Board or”.

(3) Omit paragraph (4).

(4) In paragraph (5), omit “or of a Board” and “or that Board”.

(5) In the heading, for “Board” substitute “HSC trust”.

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

30 (2) Omit “Board or” (in both places).

(3) In the heading, for “Board” substitute “HSC trust”.

111. In Article 28(2A), for “a Board or” substitute “an”.

112.—(1) Article 29 is amended as follows.

(2) In paragraph (2), omit “Board or” (in both places).

35 (3) In paragraph (3)—

(a) in sub-paragraph (a), for “a Board or” substitute “an”;

(b) in sub-paragraph (b) and in the words following that sub-paragraph, omit “Board or”.

(4) Omit paragraph (5).

(5) In paragraph (5A)—

5 (a) omit “or a Board”;

(b) omit “Board or” (in the second place).

(6) In paragraph (6), omit “Board or”.

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

(2) In paragraph (1)—

10 (a) in the opening words and in the words following sub-paragraph (b), omit “Board or” (in each place);

(b) in sub-paragraph (a), for “a Board or” substitute “an”.

(3) In paragraph (2)—

(a) for “a Board or” substitute “an”;

15 (b) omit “Board or” (in the second place).

114. In Article 33(1) and (3)(b), omit “Board or”.

115.—(1) Article 34 is amended as follows.

(2) In paragraph (1), omit “Board or” (in both places).

(3) In paragraph (2)—

20 (a) for “a Board or” substitute “an”;

(b) omit “Board or” (in the second place).

(4) In the heading, for “Boards” substitute “HSC trusts”.

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

(2) Omit “Board or” (in each place).

25 (3) In the heading, for “Boards” substitute “HSC trusts”.

117. In Article 37(1)(b), for “a Board or” substitute “an”.

118. In Article 54(3) and (5), omit “Board or”.

119. In Article 70, omit “Board or”.

120. In Article 71(1)(b) and (c), for “a Board or” substitute “an”.

30 *Housing (Northern Ireland) Order 1988*

121. The Housing (Northern Ireland) Order 1988 is amended as follows.

122.—(1) Article 6A is amended as follows.

(2) In paragraph (2), omit “and the Regional Board”.

(3) Omit paragraph (5)(b).

35 123. In Article 6B(2), omit paragraph (b) (but not the “or” at the end).

124. In Article 6C, omit the definition of “the Regional Board”.

Health and Medicines (Northern Ireland) Order 1988

125. In Article 10(4) of the Health and Medicines (Northern Ireland) Order 1988, for “a direction” substitute “arrangements made”.

Disabled Persons (Northern Ireland) Act 1989

5 126. The Disabled Persons (Northern Ireland) Act 1989 is amended as follows.

127. In section 4, for “the Board” substitute “the authority”.

128. In section 5(9), in the definition of “the appropriate officer”, for the words from “means” to the end of the definition substitute “means such officer as may be appointed for the purposes of this section by the HSC trust in whose operational
10 area the child or person is for the time being ordinarily resident.”.

129.—(1) Section 7 is amended as follows.

(2) In subsections (1) to (3), for “Board or HSS trust” substitute “HSC trust”.

(3) In subsection (4)—

- (a) in paragraph (a), for “a Board or HSS trust” substitute “an HSC trust”;
- 15 (b) in paragraph (b), for “the Board or HSS trust” substitute “the HSC trust”;
- (c) in the words following paragraph (b), omit “Board or”.

(4) In subsection (5)—

- (a) in paragraph (a), for “a Board or HSS trust” substitute “an HSC trust”;
- (b) in paragraph (b), for “the Board or HSS trust” substitute “the HSC trust”;
- 20 (c) in the words following paragraph (b), omit “Board or” (in both places).

(5) In subsection (6)—

- (a) for “a Board or HSS trust” substitute “an HSC trust”;
- (b) for “the Board or HSS trust” substitute “the HSC trust”.

(6) In subsection (8), for “A Board or HSS trust” substitute “An HSC trust”.

25 130. In the heading to section 8, for “Board” substitute “relevant authority”.

131. In section 11(1)—

- (a) omit the definition of “Board”;
- (b) in the definition of “hospital accommodation”, for “HSS” substitute “HSC”;
- 30 (c) for the definition of “HSS trust” substitute—
““HSC trust” means a Health and Social Care trust established under the Health and Personal Social Services (Northern Ireland) Order 1991;”;

(d) For the definition of “relevant authority” substitute—

- 35 ““relevant authority” 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;”.

Police and Criminal Evidence (Northern Ireland) Order 1989

132. In Article 2(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989, in the definition of “parent or guardian”—

- (a) omit “Health and Social Services Board or”;
- 5 (b) after “that” omit “Board or”.

Children Act 1989

133. In Schedule 2 to the Children Act 1989, in paragraph 24(3), for paragraph (b) substitute—

- 10 “(b) a Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991.”.

Opticians Act 1989

134. In section 27(3)(e) of the Opticians Act 1989, for sub-paragraph (iii) substitute—

- 15 “(iii) has not been certified as sight-impaired or severely sight impaired and in consequence registered as sight-impaired or severely sight-impaired in a register maintained by or on behalf of the Department of Health in Northern Ireland.”.

Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990

20 135. In Article 4(3) of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990, for “a Health and Social Services Board” substitute “the Regional Agency for Public Health and Social Well-being”.

Health and Personal Social Services (Northern Ireland) Order 1991

25 136. The 1991 Order is amended as follows.

137. In Article 2(2), omit the definition of “the Regional Board”.

138. In Article 7(6), omit sub-paragraph (a).

139. In Article 8—

- 30 (a) omit paragraph (2)(a);
- (b) after paragraph (9) insert—

“(9A) The references in paragraphs (6) to (9) to a “person” include a body prescribed for the purposes of those paragraphs.

(9B) The Department may by regulations establish a body for those purposes; and such regulations may make provision—

- 35 (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.”.

140. In Article 8A(1), for “a Health and Social Services Board” substitute “the Department”.

40 141.—(1) Article 10 is amended as follows.

(2) In paragraph (1)—

(a) omit “or” at the end of sub-paragraph (a);

(b) for sub-paragraph (b) substitute—

“(b) to exercise social care and children functions (see Article 10A); or

5 (c) to exercise, on behalf of the Department, such functions as the Department may direct under Article 10B.”.

(3) In paragraph (3)—

(a) omit “this Article,”;

(b) omit sub-paragraph (a).

10 142. After Article 10 insert—

“Definition of “social care and children functions”

10A.—(1) In Article 10 and Schedule 3 “social care and children functions” means the following functions (so far as they are exercisable by HSC trusts under the provisions conferring them)—

15 (a) functions under sections 35 and 96 of the Children and Young Persons Act (Northern Ireland) 1968;

(b) functions under Articles 15, 36, 37, 38, 39, 99, 101 and 101A of, and Schedule 6 to, the Health and Personal Social Services (Northern Ireland) Order 1972;

20 (c) functions under sections 1(2), 2 and 12(1) of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978;

(d) functions under the Mental Health (Northern Ireland) Order 1986;

(e) functions under the Adoption (Northern Ireland) Order 1987;

25 (f) functions under sections 4 to 9 of the Disabled Persons (Northern Ireland) Act 1989;

(g) functions under the Children (Northern Ireland) Order 1995;

(h) the function of making or submitting pre-sentence reports within the meaning of Article 2(2) of the Criminal Justice (Northern Ireland) Order 1996 or Article 4(1) of the Criminal Justice (Northern Ireland) Order 2008;

(i) functions under the Carers and Direct Payments Act (Northern Ireland) 2002;

(j) functions under the Mental Capacity Act (Northern Ireland) 2016.

35 (2) The Department may by regulations amend the list of social care and children functions set out in paragraph (1).”.

143. After Article 10A insert—

“Certain functions of the Department to be exercisable on its behalf by HSC trusts

40 **10B.**—(1) The Department may by direction provide for specified functions of the Department to be exercisable, in relation to the operational area of a specified HSC trust, by that trust on behalf of the Department.

(2) In this Article—

“delegation direction” means a direction under paragraph (1);
“specified” means specified in a delegation direction.

(3) A delegation direction comes into operation on such date as may be specified.

(4) A delegation direction may contain such transitional provisions as the Department thinks appropriate, including in particular provisions—

(a) for specified acts done by or in relation to the Department or an HSC trust at any time before the direction comes into operation to have effect after that time for specified purposes as if done by or in relation to the other of them;

(b) for any reference to the Department or an HSC trust in any statutory provision, statutory document (within the meaning of section 1(e) of the Interpretation Act (Northern Ireland) 1954) or order or direction of a court to have effect for specified purposes as a reference to the other of them;

and any such transitional provisions have effect, for those purposes, in relation to such acts, statutory provisions, statutory documents, orders or directions.

(5) An HSC trust is—

(a) entitled to enforce any rights acquired in the exercise of any delegated functions, and

(b) liable in respect of any liabilities incurred (including any liabilities in tort) in the exercise of any delegated functions,

in all respects as if it were acting as a principal; and all proceedings for the enforcement of such rights or liabilities are to be brought by or against the trust in its own name.

(6) In paragraph (5) “delegated functions” means functions exercised by the trust by virtue of a delegation direction.

(7) References in any other statutory provision to functions of an HSC trust include references to functions exercisable by an HSC trust on behalf of the Department by virtue of a delegation direction.

(8) The Department may by regulations make such amendments to any statutory provision as appear to the Department to be necessary or expedient to facilitate, or to be otherwise consequential on, the exercise by HSC trusts of functions of the Department by virtue of delegation directions.”.

144.—(1) Article 21 is amended as follows.

(2) In paragraph (1)—

(a) for “every Health and Social Services Board” substitute “the Department”;

(b) for “the Board” substitute “the Department”.

(3) In paragraph (4), for “the Regional Board” substitute “the Department”.

(4) In paragraph (5), for “a Health and Social Services Board” substitute “the Department”.

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

(2) In paragraph (1), omit “the Regional Board,”.

(3) In consequence, in the heading to the Article, for “Boards” substitute “the Regional Agency”.

146. In Article 24(2), omit sub-paragraph (a).

5 147.—(1) Article 33 is amended as follows.

(2) At the end of paragraph (1) add “; but this is subject to paragraph (1A).”.

(3) After paragraph (1) insert—

10 “(1A) Regulations under the provisions mentioned in paragraph (1B) that amend only statutory instruments are subject to negative resolution; and no other regulations may be made under those provisions unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(1B) The provisions are—

(a) Article 10B(8);

15 (b) paragraph 22A(8) of Schedule 3.”.

(4) After paragraph (4) insert—

“(5) Any guidance given by the Department under this Order—

(a) is to be in writing, and

(b) may be varied or revoked by subsequent guidance.”.

20 (5) In the heading, for “and directions” substitute “, directions and guidance”.

148.—(1) Schedule 3 is amended as follows.

(2) For paragraph 3A substitute—

“3A.—(1) This paragraph applies where an HSC trust is to exercise—

(a) social care and children functions, or

25 (b) functions on behalf of the Department by virtue of a delegation direction under Article 10B(1).

(2) An order in relation to the trust must specify the operational area of the trust, that is to say, the area in relation to which those functions are to be exercisable.”.

30 (3) In paragraph 6, for sub-paragraphs (2) and (3) substitute—

“(2) The Department may give directions of a general or specific nature to an HSC trust as to the carrying out by that trust of any of its functions.

(3) The Department may give guidance to an HSC trust as to the carrying out by that trust of any of its functions.

35 (4) Any directions under sub-paragraph (2) with respect to—

(a) the power conferred on an HSC trust by paragraph 1 of Schedule 4, or

(b) the maximum amount which an HSC trust may invest in any investments or class of investments,

40 may be given only with the consent of the Department of Finance.

(5) The Department must consult the HSC trust concerned before giving any directions under sub-paragraph (2).

(6) Where the Department is of the opinion that because of the urgency of the matter it is necessary to give directions under sub-paragraph (2) without consulting the HSC trust concerned—

(a) sub-paragraph (5) does not apply; but

(b) the Department must as soon as reasonably practicable give notice to the HSC trust concerned of the grounds on which the Department formed that opinion.

(7) The Department must not give any direction or guidance under this paragraph that would be inconsistent with the framework document.

(8) An HSC trust must—

(a) comply with any directions given to it under sub-paragraph (2), and

(b) have regard to any guidance given to it under sub-paragraph (3).”.

(4) For paragraph 6A substitute—

“**6A.**—(1) An HSC trust must record such information with respect to the exercise of its functions as the Department may direct.

(2) The information must be recorded in such form, and retained for such period, as the Department may direct.”.

(5) After paragraph 6A insert—

“**6B.**—(1) An HSC trust must submit to the Department a scheme for the exercise by the trust of its social care and children functions.

(2) The Department may approve a scheme submitted to it by an HSC trust under sub-paragraph (1), either without modifications or with such modifications as may be agreed with the trust.

(3) An HSC trust must give effect to any scheme approved by the Department under sub-paragraph (2).

(4) An HSC trust—

(a) may at any time, and

(b) must if so requested by the Department,

submit a new scheme under this paragraph to the Department; and sub-paragraphs (2) and (3) apply to any such new scheme as they apply to a scheme submitted under sub-paragraph (1).”.

(6) After paragraph 6B insert—

“**6C.**—(1) The Department may by direction require an HSC trust to submit to the Department a scheme for the exercise by the trust on behalf of the Department of functions which are, or are proposed to become, exercisable by the trust by virtue of a delegation direction under Article 10B.

(2) The Department may approve a scheme submitted to it by an HSC trust under sub-paragraph (1), either without modifications or with such modifications as may be agreed with the trust.

(3) An HSC trust must give effect to any scheme approved by the Department under sub-paragraph (2).

(4) An HSC trust—

(a) may at any time, and

5 (b) must, if so requested by the Department, submit a new scheme under this paragraph to the Department; and sub-paragraphs (2) and (3) apply to any such new scheme as they apply to a scheme submitted under sub-paragraph (1).”.

10 (7) In paragraph 13, for the words from “(other than functions” to “Order 1994)” substitute “(other than social care and children functions and functions exercisable on behalf of the Department by virtue of a delegation direction under Article 10B(1))”.

(8) After paragraph 22 insert—

15 “PART 3A
DIRECTIONS THAT CERTAIN FUNCTIONS BE EXERCISED
BY OTHERS

22A.—(1) The Department may by direction provide for specified social care and children functions to cease to be exercisable by an HSC trust and to be exercisable instead by—

- 20 (a) the Department;
(b) another HSC trust;
(c) another specified person or body.

(2) In this paragraph—

25 “specified” means specified in a direction under sub-paragraph (1);
“substituted person or body” means a person or body specified in a direction under sub-paragraph (1) as a person or body that is to exercise functions by virtue of the direction.

(3) A direction under sub-paragraph (1) comes into operation on such date as may be specified.

30 (4) A direction under sub-paragraph (1) may contain such transitional provisions as the Department thinks appropriate, including in particular provisions—

35 (a) for specified acts done by or in relation to the HSC trust or a substituted person or body at any time before the direction comes into operation to have effect after that time for specified purposes as if done by or in relation to a substituted person or body or, as the case may be, the HSC trust;

40 (b) for any reference to the HSC trust or a substituted person or body in any statutory provision, statutory document (within the meaning of section 1(e) of the Interpretation Act (Northern Ireland) 1954) or order or direction of a court to have effect for specified purposes as a reference to a substituted person or body or, as the case may be, the HSC trust;

and any such transitional provisions have effect, for those purposes, in relation to such acts, statutory provisions, statutory documents, orders or directions.

(5) A substituted person or body is—

- 5 (a) entitled to enforce any rights acquired in the exercise of any functions by virtue of a direction under sub-paragraph (1), and
- (b) liable in respect of any liabilities incurred (including any liabilities in tort) in the exercise of any such functions,

10 and all proceedings for the enforcement of such rights or liabilities are to be brought by or against that person or body in its own name.

(6) References in any other statutory provision to functions of an HSC trust or any specified person or body include references to functions exercisable by virtue of a direction under sub-paragraph (1).

15 (7) The Department may by regulations provide that paragraph 6(2) to (8) (power of Department to give directions and guidance) are to apply, subject to such modifications as may be prescribed, as between the Department and a substituted person or body in relation to such social care and children functions as may be prescribed.

20 (8) The Department may by regulations make such amendments to any statutory provision as appear to the Department to be necessary or expedient to facilitate, or to be otherwise consequential on, the exercise of functions by virtue of a direction under sub-paragraph (1).”.

149. In Schedule 5, omit the amendment of section 11(1) of the Disabled Persons (Northern Ireland) Act 1989.

25 *Food Safety (Northern Ireland) Order 1991*

150. In Article 8(9) of the Food Safety (Northern Ireland) Order 1991—

- (a) in sub-paragraph (b), for “the Health and Social Services Board” substitute “the Regional Agency for Public Health and Social Well-being”;
- (b) omit sub-paragraph (c).

30 *Social Security Contributions and Benefits (Northern Ireland) Act 1992*

151. In Schedule 9 to the Social Security Contributions and Benefits (Northern Ireland) Act 1992, in paragraph 1(2)—

- (a) omit “a Health and Social Services Board or”;
- (b) for the words from “a Health and Social Services trust” to the end substitute “a Health and Social Care trust”.

Social Security Administration (Northern Ireland) Act 1992

152. In section 14 of the Social Security Administration (Northern Ireland) Act 1992—

- (a) in subsections (1) and (3), for “Board” (in each place) substitute “trust”;
- (b) for subsection (4) substitute—

“ (4) In this section “trust” means a Health and Social Care trust.”;

- (c) in the heading, for “Health and Social Services Boards” substitute “Health and Social Care trusts”.

Access to Health Records (Northern Ireland) Order 1993

153.—(1) The Access to Health Records (Northern Ireland) Order 1993 is
5 amended as follows.

(2) In Article 2(2)—

- (a) omit the definition of “Health and Social Services Board”;
- (b) in the definition of “health service body”, omit paragraph (a).

(3) In Article 3(2)—

- 10 (a) for “a Health and Social Services Board” (in both places), substitute “the Department”;
- (b) for “the Board” (in both places), substitute “the Department”.

Health and Personal Social Services (Northern Ireland) Order 1994

154.—(1) The 1994 Order is amended as follows.

15 (2) Omit Articles 3 and 4.

(3) In Schedule 1, omit—

- (a) in the amendment to Articles 112, 113 and 114, the words from “and at the end of” to the end (that is to say, the insertion of paragraph (2) of each of those Articles);
- 20 (b) the amendments that add Articles 115(4), 116(6) and 118(5);
- (c) the amendment to section 5(9) of the Disabled Persons (Northern Ireland) Act 1989;
- (d) the amendment that inserts the definition of “relevant authority” into section 11(1) of that Act;
- 25 (e) the amendment to paragraph 13 of Schedule 3 to the 1991 Order.

Children (Northern Ireland) Order 1995

155. The Children (Northern Ireland) Order 1995 is amended as follows.

156.—(1) Article 2 is amended as follows.

(2) In paragraph (2)—

- 30 (a) in the definition of “authority”, for “and subject to paragraphs (3) and (4), a Board” substitute “, 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”;
- (b) omit the definition of “Board”.

35 (3) Omit paragraph (3).

(4) For paragraph (4) substitute—

“(4) References in this Order to the area of an authority are to the operational area of an HSC trust (as defined in Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972).”.

40 157. For Article 17A(3) substitute—

“**(3)** An assessment under this Article is to be carried out in such manner, and is to take such form, as the authority considers appropriate; but this is subject to any directions given to the authority under paragraph 6 of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991.”

158. For Article 18A(4) substitute—

“**(4)** An assessment under this Article is to be carried out in such manner, and is to take such form, as the authority considers appropriate; but this is subject to any directions given to the authority under paragraph 6 of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991.”

159. Omit Article 46(3)(a).

160. In Article 61(2), for the words from “functions exercisable on behalf of” to the end substitute “social care and children functions within the meaning of Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991 and functions exercisable by virtue of a delegation direction under Article 10B(1) of that Order”.

161. Omit Article 66(11)(a).

162. In Article 121—

- (a) in paragraph (2)(d), omit “Board or”;
- (b) in paragraph (3)(a), omit “Board.”.

163. In Article 149(5)(a), omit “Board or”.

164. In Article 173(1), omit “Board or” (in each place).

165.—(1) Article 174 is amended as follows.

(2) Omit paragraph (1).

(3) In paragraph (3)—

- (a) omit “(1) or”;
- (b) omit “Board or”.

(4) In paragraph (4)—

- (a) for “(1) to” substitute “(2) and”;
- (b) omit “Board or”.

(5) In paragraphs (5) and (6), omit “Board or”.

166.—(1) In Schedule 2, paragraph 2A is amended as follows.

(2) In sub-paragraph (2)—

- (a) for “Every Board” substitute “The Department”;
- (b) omit “by it”.

(3) In sub-paragraph (3)—

- (a) in the opening words, for “a Board” substitute “the Department”;
- (b) in paragraph (a), omit the words from “the whole or any part” to the end;
- (c) in paragraph (c), omit the words from “the whole or any part” to the end;
- (d) in paragraph (d)—

- (i) for “the Board” (in the first place) substitute “the Department”;
 - (ii) omit “by the Board” (in the first place);
 - (iii) omit “in the Board’s area”;
 - (iv) for “by the Board” (in the second place) substitute “by an HSC trust”;
 - 5 (e) in paragraph (h), for “the Board” substitute “the Department”;
 - (f) omit paragraph (i) and the “and” preceding it.
- (4) Omit sub-paragraph (4).

Trade Union and Labour Relations (Northern Ireland) Order 1995

10 167. In Article 144 of the Trade Union and Labour Relations (Northern Ireland) Order 1995—

- (a) for “a Health and Social Services Board” (in each place) substitute “the Department of Health”;
- (b) for “that Board” (in both places) substitute “the Department of Health”.

Education (Northern Ireland) Order 1996

15 168.—(1) The Education (Northern Ireland) Order 1996 is amended as follows.

(2) In Article 12A (as set out in section 4 of the Special Educational Needs and Disability Act (Northern Ireland) 2016), in paragraph (4), omit paragraph (a) of the definition of “health and social services authority”.

(3) In Article 14—

- 20 (a) in paragraph (6), omit sub-paragraph (a);
- (b) in the heading, omit “health and social services boards and”.

Employment Rights (Northern Ireland) Order 1996

169.—(1) The Employment Rights (Northern Ireland) Order 1996 is amended as follows.

25 (2) In Article 14(9), after sub-paragraph (c) add—

- “(d) the Regional Health and Social Care Board;
- (e) the Regional Agency for Public Health and Social Well-being;
- (f) the Regional Business Services Organisation.”.

(3) In Article 67K—

- 30 (a) in paragraph (1)(ba) and (c), for “a Health and Social Services Board” substitute “the Department of Health”;
- (b) in paragraph (2)(aa), for “the Board referred to in that sub-paragraph” substitute “the Department of Health”;
- (c) in paragraph (2)(b), for “the board referred to in that sub-paragraph” substitute “the Department of Health”.

35 (4) In Article 78(6), omit sub-paragraph (a).

Criminal Justice (Northern Ireland) Order 1996

170.—(1) Article 2 of the Criminal Justice (Northern Ireland) Order 1996 is amended as follows.

40 (2) In paragraph (2)—

- (a) omit the definition of “Board”;
- (b) in the definition of “pre-sentence report”, for “a Board or” substitute “an”.

5 (3) In paragraph (3), for the words from “by which functions” to the end of the paragraph substitute “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.”.

Health Services (Primary Care) (Northern Ireland) Order 1997

171. The Health Services (Primary Care) (Northern Ireland) Order 1997 is amended as follows.

10 172. In Article 1(5), for “A board or” substitute “An”.

173. In Article 2(3), omit the definition of “board”.

174.—(1) Article 3 is amended as follows.

(2) In paragraph (1)—

- (a) for “a board with respect to its area and” substitute “the Department”;
- 15 (b) omit sub-paragraph (a);
- (c) in sub-paragraph (b), for “the board” substitute “the Department”.

(3) Omit paragraph (2).

(4) In paragraph (3), in sub-paragraph (a), omit “personal medical services or”.

(5) In paragraph (5)—

- 20 (a) omit sub-paragraph (a);
- (b) in sub-paragraph (b), for “the board concerned” substitute “the Department”.

(6) In paragraph (7), omit the definition of “personal medical services”.

175. Omit Article 4.

25 176. In Article 5(2), for “a board” substitute “the Department”.

177. Omit Articles 6 and 7.

178. For Article 8 substitute—

“Implementation of pilot schemes

8.—(1) Before implementing a pilot scheme the Department must—

- 30 (a) prepare proposals for the scheme, and
- (b) consult such persons as appear to it to be representative of persons who, in the opinion of the Department, may be significantly affected by the scheme.

35 (2) Proposals for a pilot scheme must include satisfactory provision for any participant other than the Department to withdraw from the scheme if the participant wishes to do so.

(3) A proposed participant in a pilot scheme (other than the Department) may withdraw at any time before the scheme is implemented in relation to that person.

(4) As soon as is reasonably practicable after implementing a pilot scheme, the Department must publish such details of the scheme as it considers to be appropriate.”.

179. In Article 9(3), omit sub-paragraph (a).

5 180.—(1) Article 10 is amended as follows.

(2) In paragraph (1), for the words from “by directions” to the end of the paragraph substitute “vary a pilot scheme that has been implemented”.

(3) In paragraph (2)—

10 (a) for “Directions under paragraph (1) may be given” substitute “The Department may vary a pilot scheme under paragraph (1)”;

(b) in sub-paragraph (a), for “the board or by any other” substitute “any”.

(4) For paragraph (3) substitute—

15 “(3) A participant in a pilot scheme (other than the Department) may withdraw at any time before a variation of the scheme is implemented in relation to that person.

(3A) As soon as is reasonably practical after implementing a variation, the Department must publish such details of the scheme as varied as it considers to be appropriate.”.

20 (5) In paragraph (4), for the words from “give directions” to the end of the paragraph substitute “bring the scheme to an end”.

181.—(1) Article 11 is amended as follows.

(2) In paragraph (1), omit the words from “, apart from Article 17(1)” to “its behalf)”.

(3) In paragraph (2), omit sub-paragraph (b) and the preceding “but”.

25 (4) Omit paragraph (3).

182. Omit Articles 12, 13, 14 and 16.

183.—(1) Article 18 is amended as follows.

(2) In paragraph (1), for “boards” substitute “the Department”.

(3) In paragraph (3), for “a board” substitute “the Department” (in both places).

30 184. Omit Articles 27 and 28.

185. In Article 31, omit paragraphs (4) and (5).

186. Omit Schedule 1.

Freedom of Information Act 2000

187. In Schedule 1 to the Freedom of Information Act 2000—

35 (a) in paragraph 48, for “Health and Social Services Trust” substitute “Health and Social Care trust”;

(b) omit paragraph 51C.

Criminal Justice and Court Services Act 2000

188.—(1) Section 36 of the Criminal Justice and Court Services Act 2000 is amended as follows.

(2) For subsection (8)(a) substitute—

5 “(a) a position whose normal duties consist wholly or mainly of the direction or oversight of the exercise of the functions of the Department of Health in Northern Ireland that are mentioned in subsection (8A),”.

(3) In subsection (8)(b), for “Health and Social Services trust” substitute
10 “Health and Social Care trust”.

(4) After subsection (8) insert—

15 “(8A) The functions referred to in subsection (8)(a) are those functions of the Department that relate to, or are exercised in connection with, the social care and children functions of Health and Social Care trusts (within the meaning given by Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991).”.

Health and Personal Social Services Act (Northern Ireland) 2001

189.—(1) The Health and Personal Social Services Act (Northern Ireland) 2001 is amended as follows.

20 (2) In section 2(3)—

(a) in paragraph (a), for “the Regional Board or an” substitute “the Department or an”;

(b) in paragraph (d), for “the Regional Board” substitute “the Department”.

(3) In section 51(4)—

25 (a) for “the Regional Board” substitute “the Department”;

(b) omit “which occurred in the Board’s area”.

(4) Omit section 54(1)(a).

Carers and Direct Payments Act (Northern Ireland) 2002

30 190.—(1) The Carers and Direct Payments Act (Northern Ireland) 2002 is amended as follows.

(2) For section 1(4) substitute—

35 “(4) An assessment under this section is to be carried out in such manner, and is to take such form, as the authority considers appropriate; but this is subject to any directions given to the authority under paragraph 6 of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991.”.

(3) For section 10(3) substitute—

 “(3) In this Act “authority”, in relation to a person, means the HSC trust in whose area the person resides.”.

Health and Personal Social Services Act (Northern Ireland) 2002

191. Omit section 1(3) of the Health and Personal Social Services Act (Northern Ireland) 2002.

Justice (Northern Ireland) Act 2002

- 5 192. In section 46 of the Justice (Northern Ireland) Act 2002—
- (a) in subsection (1)(i), omit “Health and Social Services Boards and”;
 - (b) in subsection (5), omit “a Health and Social Services Board or”.

Adoption and Children Act 2002

193.—(1) The Adoption and Children Act 2002 is amended as follows.

- 10 (2) In section 63—
- (a) in subsection (4)(a), for the words from “Health and Social Services Board” to the end of the paragraph substitute “Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991,”;
 - 15 (b) in subsection (4)(b), for “adoption society which is registered under Article 4” substitute “appropriate voluntary organisation within the meaning of Article 2(2)”;
 - (c) omit subsection (5).
- (3) In section 65(2)(b)—
- 20 (a) for “a Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14))” substitute “a Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991”;
 - 25 (b) for “adoption society which is registered under Article 4” substitute “appropriate voluntary organisation within the meaning of Article 2(2)”.

Nationality, Immigration and Asylum Act 2002

194.—(1) Section 46(7) of the Nationality, Immigration and Asylum Act 2002 is amended as follows.

- 30 (2) In Article 15(7) of the 1972 Order as set out in that subsection, for “the Department” substitute “an HSC trust”.

Marriage (Northern Ireland) Order 2003

195.—(1) The Marriage (Northern Ireland) Order 2003 is amended as follows.

- (2) In Article 22(2)(c), omit “Health and Social Services Board or”.
- 35 (3) In Article 29(3)(b), for “Health and Social Services Board” substitute “Health and Social Care trust”.

Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003

196.—(1) The Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 is amended as follows.

(2) In Article 2(2), in the definition of “director of social care”, for paragraph (a) substitute—

5 “(a) a person employed in a role the normal duties of which consist wholly or mainly of the direction or oversight of the exercise of the functions of the Department that are mentioned in paragraph (2A), or”.

(3) After Article 2(2) insert—

10 “(2A) The functions of the Department referred to in the definition of “director of social care” are those functions that relate to, or are exercised in connection with, the social care and children functions of Health and Social Care trusts (within the meaning given by Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991).”.

(4) In Article 29(1), for “a director of social care” substitute “an executive director of social work of a Health and Social Care trust”.

15 (5) In Article 31(6)(a), omit “a Health and Social Services Board or”.

*Health and Personal Social Services (Quality, Improvement and Regulation)
(Northern Ireland) Order 2003*

197. The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 is amended as follows.

20 198. In Article 4(1)(b), omit “Health and Social Services Boards,”.

199. In Article 21(3), for the words from “the Department” to the end of the paragraph substitute “the following persons of the making of the application—

- 25 (a) the Department;
(b) the HSC trust in whose operational area the establishment or agency in question is located; and
(c) any HSC trust that has entered into arrangements with the establishment or agency under paragraph 13 of Schedule 3 to the the Health and Personal Social Services (Northern Ireland) Order 1991.”.

30 200. In Article 34(1)—

- (a) omit “Each Health and Social Services Board and”;
(b) for “them” substitute “that care”.

201. In Article 35(9), omit “a Health and Social Services Board,”.

202. In Article 36(1)—

- 35 (a) omit “Each Health and Social Services Board and”;
(b) in sub-paragraph (a), omit “Board’s or”;
(c) in sub-paragraph (b), omit “Board or”.

203. In Article 37(1), omit “Health and Social Services Boards and”.

204. In Article 39(1)—

- 40 (a) for “a Health and Social Services Board,” substitute “an”;
(b) omit “Board,”.

205. In Article 41—

- (a) in paragraph (1), for “a Health and Social Services Board,” substitute “an”;
- (b) in the heading, for “Boards and HSC trusts, etc.” substitute “HSC trusts, special agencies and service providers”.

206. In the heading to Part 5, omit “BOARDS AND”.

5 *Commissioner for Children and Young People (Northern Ireland) Order 2003*

207.—(1) The Commissioner for Children and Young People (Northern Ireland) Order 2003 is amended as follows.

(2) In Article 2(2), in the definition of “health and social care body”, omit paragraph (a).

10 (3) In Article 3(2), omit “a Health and Social Services Board or”.

Domestic Violence, Crime and Victims Act 2004

208. In section 9(4)(b) of the Domestic Violence, Crime and Victims Act 2004—

- (a) omit the words from “Health and Social Services Boards” to “(N.I. 14));”;
- 15 (b) for “Health and Social Services trusts” substitute “Health and Social Care trusts”.

Civil Partnership Act 2004

209.—(1) The Civil Partnership Act 2004 is amended as follows.

20 (2) In section 149(3)(b), for “Health and Social Services Board” substitute “Health and Social Care trust”.

(3) In Schedule 13—

- (a) in paragraph 1, in column 2 of the table, for “Health and Social Services Board or Health and Social Services trust” substitute “Health and Social Care trust”;
- 25 (b) in paragraph 2, for “Health and Social Services trust” substitute “Health and Social Care trust”.

Emergency Workers (Obstruction) Act 2006

210. In the Emergency Workers (Obstruction) Act 2006, in section 1(5)(b), for “Health and Social Services trust or Health and Social Services Board” substitute “Health and Social Care trust”.

Recovery of Health Services Charges (Northern Ireland) Order 2006

211. In Article 17(3)(b) of the Recovery of Health Services Charges (Northern Ireland) Order 2006, omit “a Health and Social Services Board or”.

Water and Sewerage Services (Northern Ireland) Order 2006

35 212.—(1) Article 118 of the Water and Sewerage Services (Northern Ireland) Order 2006 is amended as follows.

(2) In paragraph (2), for the words from “the district council” to the end substitute “the persons set out in paragraph (2A).”.

(3) After paragraph (2) insert—

“(2A) The persons are—

- (a) the district council for the district in which the premises are, and the supply is, situated;
- (b) the HSC trust for the area in which the premises are, and the supply is, situated;
- (c) the Regional Agency for Public Health and Social Well-being.”.

Corporate Manslaughter and Corporate Homicide Act 2007

213. In section 6(7)(d) of the Corporate Manslaughter and Corporate Homicide Act 2007, for “Health and Social Services trust or Health and Social Services Board” substitute “Health and Social Care trust”.

Safeguarding Vulnerable Groups (Northern Ireland) Order 2007

214.—(1) In Article 2 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, the definition of “HSC body” is amended as follows.

(2) For “within the meaning of the Health and Social Care (Reform) Act (Northern Ireland) 2009” substitute “(see the Health and Social Care (Reform) Act (Northern Ireland) 2009 for the bodies mentioned in paragraphs (b) to (e))”.

(3) For paragraph (a) substitute—

“(a) the Department of Health;”.

Health (Miscellaneous Provisions) Act (Northern Ireland) 2008

215. The Health (Miscellaneous Provisions) Act (Northern Ireland) 2008 is amended as follows.

216.—(1) Section 2 (which inserts new Article 60A and substitutes new Articles 61 to 61F of the 1972 Order) is amended in accordance with paragraphs 217 to 223; and any reference in those paragraphs to a numbered Article is to that Article as set out in that section.

217.—(1) Article 60A 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”;
- (c) omit “within its area” (in both places).

(3) In paragraph (2)—

- (a) for “A Health and Social Services Board” substitute “The Department”;
- (b) omit “(whether within or outside its area)” (in both places).

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

(5) Omit paragraph (4).

218.—(1) Article 61 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”.

(4) In paragraph (4), omit sub-paragraph (b).

219. In Article 61B(1), for “A Health and Social Services Board” substitute
5 “The Department”.

220.—(1) Article 61C 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”.

10 (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”;

15 (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”.

20 (6) After paragraph (4) insert—

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

221. In Article 61D(3), for “a Health and Social Services Board” substitute “the Department”.

25 222.—(1) Article 61E 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”;

30 (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—

35 (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.”.

223.—(1) Article 61F is amended as follows.

(2) In paragraphs (1) and (2), for “the Regional Board” substitute “the Department”.

40 (3) In paragraph (3), for “, (3B) and (4)” substitute “and (3B)”.

224. In section 3—

(a) for “a Health and Social Services Board” (in both places) substitute “the Department”;

5 (b) in subsection (4), for the words from “the Department” to the end of the subsection substitute “a body specified in the order”;

(c) after subsection (4) insert—

“(4A) An order specifying a body for the purposes of subsection (4) may make provision—

10 (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.”.

225. In section 6, for “a Health and Social Services Board” substitute “the Department”.

Criminal Justice (Northern Ireland) Order 2008

15 226.—(1) The Criminal Justice (Northern Ireland) Order 2008 is amended as follows.

(2) In Article 3(1), omit the definition of “HSS Board”.

(3) In Article 4(1), in the definition of “pre-sentence report”—

(a) in paragraph (a), omit “HSS Board or”;

20 (b) for the words from “by which functions” to the end of the definition substitute “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.”.

(4) In Article 49(1)(g), omit “HSS Boards and”.

25 *Sexual Offences (Northern Ireland) Order 2008*

227. In the Sexual Offences (Northern Ireland) Order 2008, in Article 55(3)—

(a) omit sub-paragraph (a);

(b) in the words following sub-paragraph (e), omit “Board.”.

Health and Social Care (Reform) Act (Northern Ireland) 2009

30 228. The Health and Social Care (Reform) Act (Northern Ireland) 2009 is amended as follows.

229. In section 1(5), omit paragraph (a).

230. In section 2(3)(h), omit “the Regional Board,”.

231. In section 6(1), omit paragraph (a).

35 232. Omit sections 7 to 11 and the italic heading before section 7.

233. In section 13(6)(b)—

(a) omit “, the Regional Board and Local Commissioning Groups”;

(b) for “they” substitute “it”;

(c) for “their” substitute “its”.

234. In section 17(8), omit paragraph (b).

235.—(1) Section 24 is amended as follows.

(2) Omit subsection (2).

(3) In subsection (3)—

5 (a) for “Subsections (1) and (2)” substitute “Subsection (1)”;

(b) for “apply” substitute “applies”;

(c) for “are” substitute “is”;

(4) In subsection (4), for “subsections (1) and (2) are” substitute “subsection (1) is”.

10 236. In section 27(2), omit paragraph (b).

237. In section 29(3), omit “or the Regional Board”.

238. In section 31, omit the definition of “the Regional Board”.

239. Omit Schedule 1.

240. In Schedule 6 omit—

15 (a) paragraph 3(49) and (50)(b);

(b) paragraph 13(1) and (8)(b);

(c) paragraph 18(1)(b).

Commissioner for Older People Act (Northern Ireland) 2011

20 241. In section 27 of the Commissioner for Older People Act (Northern Ireland) 2011, in the definition of “health and social care body”, omit paragraph (a).

Safeguarding Board Act (Northern Ireland) 2011

242.—(1) The Safeguarding Board Act (Northern Ireland) 2011 is amended as follows.

(2) In section 1—

25 (a) omit subsection (3)(a);

(b) after subsection (3) insert—

30 “(3A) The persons who may be prescribed under subsection (2)(b) include any individual employed in a role the normal duties of which consist wholly or mainly of the direction or oversight of the exercise of the functions of the Department that are mentioned in subsection (3B) (and for that purpose the employer of such an individual may be prescribed under subsection (3)(j)).

35 (3B) Those functions are the functions of the Department that relate to, or are exercised in connection with, the social care and children functions of Health and Social Care trusts (within the meaning given by Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991).”.

(3) In section 3(6), for “the Regional Health and Social Care Board and Local Commissioning Groups” substitute “the Department”.

40 (4) In section 12(1), omit paragraph (a).

Health and Social Care (Amendment) Act (Northern Ireland) 2014

243. In section 3(1) of the Health and Social Care (Amendment) Act (Northern Ireland) 2014, omit “1,” and “the Regional Health and Social Care Board.”

Modern Slavery Act 2015

5 244. In Schedule 3 to the Modern Slavery Act 2015, omit the reference to the Regional Health and Social Care Board.

Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

10 245. In section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015—

- (a) in subsection (1), for “The Regional Health and Social Care Board” substitute “The Department”;
- (b) in subsections (3) and (4)(e)(iv), for “the Regional Health and Social Care Board” substitute “the Department”;
- 15 (c) in subsections (5) and (9), for “The Department of Health, Social Services and Public Safety” substitute “The Department”;
- (d) in subsection (11), after the definition of “charity” insert—
““the Department” means the Department of Health;”.

Children’s Services Co-operation Act (Northern Ireland) 2015

20 246. In section 9 of the Children’s Services Co-operation Act (Northern Ireland) 2015—

- (a) in subsection (1), in the definition of “children’s authority”, omit paragraph (iv),
- (b) in subsection (2), omit “the Regional Health and Social Care Board or”.

Welfare Reform (Northern Ireland) Order 2015

25 247. In Article 120(8) of the Welfare Reform (Northern Ireland) Order 2015, in the definition of “relevant body”, omit paragraph (b).

Public Services Ombudsman Act (Northern Ireland) 2016

30 248.—(1) The Public Services Ombudsman Act (Northern Ireland) 2016 is amended as follows.

(2) In section 59, in the definition of “health and social care body”, omit paragraph (c).

(3) In Schedule 3, omit the reference to the Regional Health and Social Care Board.

35 (4) In Schedule 5, in paragraph 2, for “the Regional Health and Social Care Board” substitute “the Department of Health”.

Special Educational Needs and Disability Act (Northern Ireland) 2016

249.—(1) This paragraph applies if paragraph 168(3)(a) (amendment of Article 14 of the Education (Northern Ireland) Order 1996) comes into operation before

the amendment made to that Article by subsection (4) of section 5 of the Special Educational Needs and Disability Act (Northern Ireland) 2016.

(2) That subsection is amended as follows—

(a) for “sub-paragraphs (a) and (b)” substitute “sub-paragraph (b)”;

5 (b) omit sub-paragraph (a) in the substituted text.

Mental Capacity Act (Northern Ireland) 2016

250.—(1) The Mental Capacity Act (Northern Ireland) 2016 is amended as follows.

(2) In section 120(3), for “the Regional Board” substitute “the Department”.

10 (3) In section 121(6), in the definition of “relevant record”, omit paragraph (b).

(4) In section 127(5), omit paragraph (b).

(5) In section 128(2)(b) and (3)(b), for “the Regional Board” substitute “the Department”.

(6) In section 131(5), omit paragraph (b).

15 (7) In section 298(3), omit “, the Regional Board”.

(8) In section 306(1), omit the definition of “the Regional Board”.

Rural Needs Act (Northern Ireland) 2016

251. In the Schedule to the Rural Needs Act (Northern Ireland) 2016, omit the reference to the Regional Health and Social Care Board.

20 *Justice Act (Northern Ireland) 2016*

252. In section 44(2) of the Justice Act (Northern Ireland) 2016, for paragraph (h) substitute—

“(h) to the Department of Health for the purposes of the exercise of any of the functions of that Department in relation to any matter arising in connection with an investigation under this Part;”.

25

Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016

253. Omit section 6(2) of the Health and Personal Social Services (Amendment) Act (Northern Ireland) 2016.

Health (Miscellaneous Provisions) Act (Northern Ireland) 2016

30 254. Omit section 13(1) of the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016.

Coronavirus Act 2020

255. In paragraph 4(5) of Schedule 7 to the Coronavirus Act 2020, omit paragraph (b).

SCHEDULE 2

Section 3.

TRANSFER OF ASSETS, ETC

Transfer of assets and liabilities

- 5 1.—(1) A scheme may designate the assets or liabilities to be transferred—
- (a) by specifying them or describing them in particular;
 - (b) by identifying them generally by reference to a specified part of the Regional Board's undertaking, or their connection with the exercise of specified functions of the Board; or
 - 10 (c) in any other manner appearing to the Department to be appropriate in relation to the assets or liabilities in question.

(2) A scheme may provide for the transfer of—

- (a) assets and liabilities which would not otherwise be capable of being transferred;
- 15 (b) assets and liabilities arising in the period after the making of the scheme and before the transfer date;

and accordingly, a scheme has effect in relation to the assets or liabilities to which it applies in spite of any provision or rule of law which would otherwise prevent or restrict the transfer of those assets or liabilities.

20 (3) A scheme may contain supplementary, incidental, transitional and consequential provisions.

(4) A certificate issued by the Department that—

- (a) any assets or liabilities specified in the certificate have vested in a person mentioned in section 3(2) by virtue of a scheme;
- 25 (b) any assets or liabilities specified in the certificate have not so vested in such a person,

is conclusive evidence for all purposes of that fact.

(5) In this Schedule—

- “scheme” means a scheme under section 3;
- 30 “transferee”, in relation to any assets or liabilities transferred by a scheme, means the person to whom those assets or liabilities are transferred.

Transfer of employed staff

2.—(1) This paragraph applies if rights and liabilities under a contract of employment are transferred by virtue of a scheme.

35 (2) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) apply to the transfer whether or not the transfer would, apart from this paragraph, be a relevant transfer for the purposes of the Regulations.

(3) The scheme must—

- 40 (a) in relation to each transferee, identify the transferring employees (whether by name or otherwise);
- (b) include provision securing pension protection for such employees;

- (c) include provision for procedures designed to resolve any grievances of such employees arising in relation to matters dealt with by the scheme; and
- (d) include provision for the payment of compensation by the Department to any such employee who suffers loss or detriment in consequence of the scheme.
- 5
- (4) Before making the scheme the Department must consult—
- (a) in the case of a scheme which identifies transferring employees by name, those employees; and
- (b) in the case of a scheme which identifies transferring employees in any other way, such persons as appear to the Department to be representative of transferring employees.
- 10
- (5) For the purposes of this paragraph—
- (a) “pension protection” is secured for a transferring employee if after the change of employer effected by the scheme the employee has, as an employee of the transferee, rights to acquire pension benefits and those rights are the same as or (taken as a whole) no less favourable than those that the transferring employee had as an employee of the Regional Board;
- 15
- (b) “transferring employee” means an employee whose contract of employment becomes, by virtue of sub-paragraph (2), a contract of employment with a transferee; and
- 20
- (c) employment in the Northern Ireland civil service for the purposes of the Department is to be treated as employment by the Department under a contract of employment (and the terms of that employment are to be regarded as constituting the terms of that contract).
- 25
- (6) Procedures under sub-paragraph (3)(c) must involve consideration of grievances by a person other than—
- (a) a member, or member of staff, of the Regional Board or a transferee; or
- (b) a member of staff of the Department.

Continuity

- 30 3. A transfer by virtue of a scheme does not affect the validity of anything done by, or in relation to, the Regional Board before the transfer date.
4. Anything which—
- (a) before the transfer date was done by or in relation to the Regional Board for the purposes of or otherwise in connection with anything transferred by virtue of a scheme, and
- 35
- (b) is in effect immediately before the transfer date,
- continues to have effect to the same extent and subject to the same provisions as if it had been done by, or in relation to, the transferee.
5. Anything (including any legal proceedings) which—
- 40
- (a) relates to anything transferred by virtue of a scheme, and
- (b) is in the process of being done by or in relation to the Regional Board immediately before the transfer date,
- may be continued by or in relation to the transferee.

- 6.—(1) In any statutory provision or statutory document—
- (a) which relates to anything transferred by virtue of the scheme, and
 - (b) which is in effect immediately before the transfer date,
- any reference to the Regional Board is to be construed, in relation to any time after
5 the transfer date, as or as including a reference to the transferee.
- (2) Sub-paragraph (1) does not apply—
- (a) to a reference if specific provision for that reference is made by or under this Act; or
 - (b) if the context requires otherwise.

10

SCHEDULE 3

Section 4.

TRANSITIONAL PROVISION

PART 1

ACCOUNTS AND REPORTS OF THE REGIONAL BOARD

- 15 1.—(1) The Department must make arrangements for—
- (a) a statement of accounts; and
 - (b) a report,
- to be prepared in relation to the Regional Board for the relevant period.
- (2) The statement of accounts and report may—
- 20 (a) be in such form, and
- (b) contain such information,
- as the Department consider appropriate.
- (3) The Department must, within such time after the end of the relevant period as it considers appropriate, send a copy of the statement of accounts to the
25 Comptroller and Auditor General.
- (4) In this paragraph “the relevant period” means the period—
- (a) beginning on the 1st April 2021; and
 - (b) ending immediately before the date on which the dissolution of the Regional Board by section 1 comes into operation.
- 30 (5) The Comptroller and Auditor General must—
- (a) examine and report on any copy of the statement of accounts received under sub-paragraph (3); and
 - (b) send a copy of the report to the Department.
- (6) The Department must lay before the Assembly—
- 35 (a) a copy of the statement of accounts;
- (b) a copy of the Comptroller and Auditor General’s report;
 - (c) a copy of the report mentioned in sub-paragraph (1)(b).

(7) In this paragraph “the Comptroller and Auditor General” means the Comptroller and Auditor General for Northern Ireland.

PART 2

OTHER TRANSITIONAL PROVISION

5 *General provision*

2.—(1) In any statutory provision or statutory document, any reference to the Regional Board, in relation to any time after the dissolution date, is to be read as a reference to the Department.

10 (2) Anything which was done before the dissolution date by or in relation to the Regional Board, if in effect immediately before that day, is to continue to have effect to the same extent and subject to the same provisions as if it had been done by, or in relation to the Department.

15 (3) Anything (including any legal proceedings) in the process of being done by or in relation to the Regional Board immediately before the dissolution date may be continued by or in relation to the Department.

(4) Sub-paragraphs (1) to (3) do not apply—

(a) to a reference, or thing done, if specific provision for that reference, or thing, is made by or under this Act; or

(b) if the context requires otherwise.

20 (5) Nothing in this Act or regulations under it affects the validity of anything done by, or in relation to, the Regional Board before the dissolution date.

(6) In this paragraph “the dissolution date” means the date on which the dissolution of the Regional Board by section 1 comes into operation.

Specific provision

25 3.—(1) This paragraph applies to any authorisation under Article 3(1) of the 1994 Order that is in effect on the day on which the repeal of that Article comes into operation and provides for an HSC trust to exercise any function other than a social care and children function (within the meaning of Article 10A of the 1991 Order).

30 (2) The authorisation has effect after that day, so far as it relates to that function, as if it were a delegation direction under Article 10B(1) of the 1991 Order.

(3) Accordingly, so far as is necessary for the purposes of sub-paragraph (2)—

(a) any provision made by such an authorisation in relation to the Regional Board has effect in relation to the Department;

35 (b) any reference to the Regional Board is to be read as, or as including, a reference to the Department;

(c) (in accordance with paragraph (b)) any reference to a function exercised on behalf of the Regional Board is to be read as, or as including, a reference to a function exercised on behalf of the Department.

40 (4) Anything which before that day was done by or in relation to the Regional Board in relation to any function exercised on its behalf by an HSC trust by virtue

of such an authorisation, if in effect immediately before that day, is to continue to have effect to the same extent and subject to the same provisions as if it had been done by, or in relation to, the Department.

5 (5) Anything (including any legal proceedings) in the process of being done by or in relation to the Regional Board immediately before that day may, so far as it relates to any function exercised on behalf of the Board by an HSC trust by virtue of such an authorisation, be continued by or in relation to the Department.

10 (6) Any reference in any statutory provision or statutory document to an authorisation under Article 3(1) of the 1994 Order is to be read as, or as including, a reference to a delegation direction under Article 10B(1) of the 1991 Order.

4.—(1) This paragraph applies to any direction that was given under Article 57C(1) of the 1972 Order and is in force on the date on which paragraph 25 of Schedule 1 comes into operation.

15 (2) Any direction to which this paragraph applies is to continue in force after that date (unless revoked) as if it were a scheme made under that Article as amended by paragraph 25 of Schedule 1.

5.—(1) This paragraph applies to any scheme that was made under an order under Schedule 9 to the 1972 Order and is in force on the date on which paragraph 51 of Schedule 1 comes into operation.

20 (2) Any scheme to which this paragraph applies is to continue in force after that date as if it were a scheme provided for in regulations made by the Department under paragraph 1A of Schedule 9 to the 1972 Order.

(3) Nothing in sub-paragraph (2) prevents the Department from revoking such a scheme by regulations made under paragraph 1A of Schedule 9 to the 1972 Order.

Health and Social Care Bill

[AS INTRODUCED]

A Bill to dissolve the Regional Health and Social Care Board; to make provision for and in connection with the exercise by the Department of Health and Health and Social Care trusts of the functions of the Board; and for connected purposes.

Introduced by: Mr Robin Swann, Minister of Health

On: 08 March 2021

Bill Type: Executive Bill

ACCOMPANYING DOCUMENTS

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