STATUTORY RULES OF NORTHERN IRELAND

2009 No. 95

HEALTH AND SOCIAL CARE

The Regional Health and Social Care Board (Membership) Regulations (Northern Ireland) 2009

Made - - - -	*11th March 2009*
Coming into operation	*1st April 2009*

The Department of Health, Social Services and Public Safety makes the following regulations in exercise of the powers conferred by section 7(2) of, and paragraphs 3 and 18(1) of Schedule 1 to, the Health and Social Care (Reform) Act (Northern Ireland) 2009(**1**):

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Regional Health and Social Care Board (Membership) Regulations (Northern Ireland) 2009 and shall come into operation on 1st April 2009.

(2) In these regulations—

"the Act" means the Health and Social Care (Reform) Act (Northern Ireland) 2009;

"bankruptcy restrictions order" means an order made under paragraph 1 of Schedule 2A of the Insolvency (Northern Ireland) Order 1989(**2**);

"charity trustee" means one of the persons having the general control and management of the administration of a charity;

"health service body" means—

(a) any of the following within the meaning of the National Health Service Act 2006(**3**)–

(i) a Strategic Health Authority;

(ii) a Primary Care Trust;

(iii) an NHS trust;

(iv) a Special Health Authority;

(v) a Local Health Board;

(**1**) 2009 c.1 (N.I)
(**2**) S.I. 1989/2405 (N.I. 19). The relevant amending instrument is S.I. 2005/1455 (N.I. 10)
(**3**) 2006 c.41

(b) any of the following within the meaning of the National Health Service (Scotland) Act 1978(**4**)–

(i) a Health Board;

(ii) a Special Health Board;

(iii) the Common Services Agency for the Scottish Health Service;

(iv) the Scottish Dental Practice Board;

(c) the Wales Centre for Health established under section 2 of the Health (Wales) Act 2003(**5**);

(d) the Health Protection Agency established under section 1 of the Health Protection Agency Act 2004(**6**);

(e) the Care Quality Commission established under section 1 of the Health and Social Care Act 2008(**7**);

"trustee for a charity" is a person not being a charity trustee, in whom legal title to the property of the charity is vested.

Membership

2.—(1) The prescribed number of persons appointed by the Department for the purposes of paragraph 3(1)(b) of Schedule 1 to the Act shall be 7.

(2) The prescribed officers for the purposes of paragraph 3(1)(d) of Schedule 1 to the Act shall be—

(a) the Director of Social Care and Children; and

(b) the Director of Finance.

(3) The prescribed number of officers for the purposes of paragraph 3(1)(e) of Schedule 1 to the Act shall be 2.

Joint membership

3. Where more than one person is appointed jointly to a post in the Regional Board which qualifies the holder for membership in accordance with paragraph 3(1)(d) of Schedule 1 to the Act or in relation to which an officer is to be appointed in accordance with paragraph 3(1)(e) of Schedule 1 to the Act those persons shall become or be appointed as a member jointly, and shall count for the purposes of regulation 2 as one person.

Disqualification for appointment

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

(a) has within five years of the day the appointment would otherwise have taken effect been convicted whether in the United Kingdom or elsewhere of any offence and has been given a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;

(**4**) 1978 c.29; section 2 was amended by paragraph 1 of Schedule 7 to the Health and Social Services and Social Security Adjudications Act 1983 (c.41) and by section 28 of the National Health Service and Community Care Act 1990 (c.19); section 10 was amended by paragraph 2 of Schedule 6 to the Health Services Act 1980 (c.53)
(**5**) 2003 c.4
(**6**) 2004 c.17
(**7**) 2008 c.14