STATUTORY INSTRUMENTS

1990 No. 247 (N.I. 3)

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

- - - - - - *14th February 1990*

Title and commencement

1.—(1) This Order may be cited as the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990.

(2) This Order shall come into operation on the expiration of two months from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F1] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"the Department" means the Department of Health and Social Services;

"the principal Order" means the Health and Personal Social Services (Northern Ireland) Order 1972[F2];

"special agency" has the meaning assigned to it by Article 3(7).

(3) This Order shall be construed as one with the principal Order.

Annotations:
F1 1954 c. 33 (N.I.)
F2 1972 NI 14

Special health and [F3social care] agencies

3.—(1) If the Department considers that a special body should be established for the purpose of performing any functions which the Department may under Article 4(1) direct the body to perform on behalf of the Department, the Department may by order establish a body for that purpose.

(2) The Department may, subject to the provisions of the Schedule, by order make such further provision relating to that body as it thinks fit.

(3) A body established in pursuance of this Article shall (without prejudice to the power conferred by paragraph (4) to allocate a particular name to the body) be called a special health and **[**F3social care**]** agency.

(4) Without prejudice to the generality of the power conferred by this Article to make an order, that order may in particular contain provisions as to—

(a) the membership of the body established by the order;

(b) the transfer to the body of officers, movable property, rights and liabilities; and

(c) the name by which the body is to be known.

(5) Before the Department makes an order under this Article, it shall consult with respect to the order such bodies as it may recognise as representing officers who in its opinion are likely to be transferred or affected by transfers in pursuance of the order.

(6) An order under this Article—

(a) may include such incidental or supplemental provision as the Department considers appropriate; and

(b) shall be subject to negative resolution.

(7) The Schedule shall have effect with respect to a special health and **[**F3social care**]** agency (referred to in that Schedule and the following provisions of this Order as a "special agency").

Annotations:

F3 Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(a)** (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, **art. 2**

Modifications etc. (not altering text)

C1 Art. 3 referred to (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), **ss. 1(4)**, 34(3); S.R. 2009/114, **art. 2**

Directions as to functions of special agency

4.—(1) The Department may direct a special agency to exercise on its behalf such functions with respect to the administration of such health and **[**F4social care**]** as are specified in the directions.

(2) The Department may give directions to a special agency with respect to the exercise of any functions exercisable by virtue of paragraph (1).

(3) The Department may direct that Article 18 of the principal Order (scheme as to exercise of functions) shall (with the appropriate modifications) apply to a special agency as it applies to a Health and Social Services Board.

(4) It shall be the duty of a special agency to comply with any directions given to it under this Article.

(5) Directions under this Article shall be in writing**[**F5 and section 17(2) of the Interpretation Act (Northern Ireland) 1954 shall apply to a direction under this Article as if the direction were a statutory instrument**]**.

(6) In Article 3(3)(*a*) of the Health and Medicines (Northern Ireland) Order 1988F6 (directions as to exercise by other bodies of Department's powers for financing health services) after the words "principal Order" there shall be inserted the words " or the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990 " .

Annotations:

F4 Words in art. 4(1) substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(a)** (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, **art. 2**

F5 1991 NI 1

F6 1988 NI 24

Application of principal Order to special agencies

5.—(1) The principal Order shall have effect subject to the amendments in the following provisions of this Article, being amendments to apply to special agencies certain provisions of that Order.

(2) [F7] . . . . . .

Paras. (3)(4) rep by 1991 NI 1

(5) [F8] . . . . . .

Paras. (6)(7) rep. by 1991 NI 1

(8) In Article 85(1) (power to accept property on trust) after the words "Health and Social Services Board" there shall be inserted the words " or a special agency " and for the words "the Board's" there shall be substituted the words " that body's ".

(9) [F9] . . . . . .

(10) [F10] . . . . . .

Paras. (11)#(15) rep by 1991 NI 1

Annotations:

F7 Art. 5(2) repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 33, 34(3), **Sch. 7**; S.R. 2009/114, **art. 2**

F8 Art. 5(5) repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 33, 34(3), **Sch. 7**; S.R. 2009/114, **art. 2**

F9 Art. 5(9) repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 33, 34(3), **Sch. 7**; S.R. 2009/114, **art. 2**

F10 Art. 5(10) repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 33, 34(3), **Sch. 7**; S.R. 2009/114, **art. 2**