Draft Order laid before Parliament under section 84(4) of the Northern Ireland Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No.

HEALTH SERVICES, NORTHERN IRELAND

The Health and Social Care Act (Northern Ireland) 2022 (Consequential Amendments) Order 2022

Made - - - -	*2022*
Coming into force - -	*2022*

At the Court at ***, the *** day of 2022

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 84(4) of the Northern Ireland Act 1998(**a**), a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Accordingly, Her Majesty, in exercise of the powers conferred on Her by section 84(2)(a) of the Northern Ireland Act 1998, is pleased, by and with the advice of Her Privy Council, to order as follows.

PART 1

Citation, commencement and extent

Citation and commencement

1.—(1) This Order may be cited as the Health and Social Care Act (Northern Ireland) 2022 (Consequential Amendments) Order 2022.

(2) This Order comes into force at the end of the period of 21 days beginning with the day on which it is made.

Extent

2.—(1) Parts 1 and 2 of this Order extend to England and Wales, Scotland and Northern Ireland.

(2) Part 3 of this Order extends to England and Wales and Scotland only.

(3) Part 4 of this Order extends to England and Wales only.

(**a**) 1998 c. 47.

(4) Part 5 of this Order extends to Scotland only.

(5) Part 6 of this Order extends to Northern Ireland only.

PART 2

The United Kingdom

Northern Ireland Assembly Disqualification Act 1975

3. In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975(**a**) (other disqualifying offices), omit the entry for the chair or any member of the Regional Health and Social Care Board.

House of Commons Disqualification Act 1975

4. In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975(**b**) (other disqualifying offices), omit the entry for the chair or any member of the Regional Health and Social Care Board.

Value Added Tax Act 1994

5. In Part 2 of Schedule 8 (Zero-rated supplies of goods and services: groups) to the Value Added Tax Act 1994(**c**)—

(a) in the Notes to Group 12 (zero rating of medical goods and services), omit Note (5H)(c)(**d**);

(b) in the Notes to Group 15 (zero rating of goods and services in relation to charities), omit Note (4)(c)(**e**).

Merchant Shipping Act 1995

6.—(1) Section 40 of the Merchant Shipping Act 1995(**f**) (claims against seaman's wages for maintenance, etc. of dependants) is amended as follows.

(2) In subsection (10), for "a Health and Social Services Board acting on behalf of that Department" substitute "a Health and Social Care trust".

(3) In subsection (11)—

(a) for "Health and Social Services Board", in both places it occurs, substitute "Health and Social Care trust";

(b) for the words from "such a Board" to the end substitute "a Health and Social Care trust established under the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)).".

(**a**) 1975 c. 25, entry inserted by paragraph 4(1) and (3)(b) of Schedule 6 to the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1 (N.I.)).
(**b**) 1975 c. 24; Part 3 of Schedule 1 was amended by S.I. 2010/762. There are other amendments not relevant to this Order.
(**c**) 1994 c. 23.
(**d**) Note (5H)(c) was substituted by S.I. 2016/620.
(**e**) Note (4)(c) was substituted by S.I. 2016/620.
(**f**) 1995 c. 21.

Immigration and Asylum Act 1999

7.—(1) The Immigration and Asylum Act 1999(**a**) is amended as follows.

(2) In section 110(9)(**b**) (payments to local authorities: definition of "Northern Ireland authority")—

(a) omit paragraph (b) and the "or" at the end of that paragraph;

(b) in paragraph (c), for "Health and Social Services trust" substitute "Health and Social Care trust".

(3) In Schedule 9 (asylum support: interim provisions), in paragraph 1(3), for the words from "a Health and Social" to "1972" substitute "a Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1))(**c**)".

Regulation of Investigatory Powers Act 2000

8. In Schedule 1 to the Regulation of Investigatory Powers Act 2000(**d**) (relevant public authorities)—

(a) in paragraph 35(**e**), for "Health and Social Services trust" substitute "Health and Social Care trust";

(b) omit paragraph 36(**f**);

(c) for paragraph 38(**g**) substitute—

"**38.** The Regional Business Services Organisation.".

Nationality, Immigration and Asylum Act 2002

9. In section 133(4)(d) of the Nationality, Immigration and Asylum Act 2002(**h**) (medical inspectors: health service bodies)—

(a) omit sub-paragraph (i);

(b) in sub-paragraph (ii), for "Health and Social Services trust" substitute "Health and Social Care trust".

Finance Act 2003

10.—(1) The Finance Act 2003(**i**) is amended as follows.

(2) In section 61(3) (compliance with planning obligations: public authorities), in the table, under the heading "Health: Northern Ireland"—

(a) for the entry relating to a Health and Social Services Board, substitute "The Regional Agency for Public Health and Social Well-being";

(b) in the entry relating to a Health and Social Services Trust, for "Health and Social Services Trust" substitute "Health and Social Care trust".

(**a**) 1999 c. 33.
(**b**) Section 110(9)(b) was amended, and section 110(9)(c) was inserted, by section 60(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41).
(**c**) Article 10 was amended by sections 43(1), 43(2) and 44(1) of the Health and Personal Social Services Act (Northern Ireland) 2001, paragraphs 1(1) and 13(7) of Schedule 6 to the Health and Social Care (Reform) Act (Northern Ireland) 2009, S.I. 1994/429 and S.I. 1997/1177.
(**d**) 2000 c. 23.
(**e**) Paragraph 35 was inserted by SR 2002/183.
(**f**) Paragraph 36 was inserted by SR 2002/183.
(**g**) Paragraph 38 was inserted by SR 2002/183.
(**h**) 2002 c. 41, to which there are other amendments not relevant to this Order.
(**i**) 2003 c. 14, to which there are amendments not relevant to this Order.

(3) In section 66(4) (transfers involving public bodies), in the table, under the heading "Health: Northern Ireland"—

(a) for the entry relating to a Health and Social Services Board, substitute "The Regional Agency for Public Health and Social Well-being";

(b) in the entry relating to a Health and Social Services Trust, for "Health and Social Services Trust" substitute "Health and Social Care trust".

Corporation Tax Act 2010

11. In section 986 of the Corporation Tax Act 2010(**a**) (meaning of "health service body"), in the table—

(a) omit the entry relating to a Health and Social Services Board;

(b) omit the entry relating to the Northern Ireland Central Services Agency for the Health and Social Services;

(c) after the entry relating to "a Primary Care Trust" insert—

"the Regional Agency for Public Health and Social Well-being	section 12(1) of the Health and Social Care (Reform) Act (Northern Ireland) 2009
the Regional Business Services Organisation	section 14(1) of the Health and Social Care (Reform) Act (Northern Ireland) 2009".

Data Protection Act 2018

12.—(1) The Data Protection Act 2018(**b**) is amended as follows.

(2) Omit section 204(4)(p) (meaning of "health service body": the Regional Health and Social Care Board).

(3) In Schedule 3 (exemptions etc from the UK GDPR: health, social work, education and child abuse data), in paragraph 8—

(a) in sub-paragraph (1)(b), for "the Regional Health and Social Care Board" substitute "the Department of Health in Northern Ireland or any person or body exercising functions by virtue of paragraph 22A of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991(**c**)";

(b) in sub-paragraph (1)(c), for sub-paragraph (i) substitute—

"(i) in the exercise of social care and children functions within the meaning of Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991(**d**),

(ia) in connection with the provision of social care within the meaning of section 2(5) of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1 (N.I.)) by virtue of a delegation direction under Article 10B of the Health and Personal Social Services (Northern Ireland) Order 1991(**e**), or".

(**a**) 2010 c. 4, to which there are amendments not relevant to this Order.
(**b**) 2018 c. 12.
(**c**) Paragraph 22A of Schedule 3 was inserted by paragraph 148(8) of Schedule 1 to the Health and Social Care Act (Northern Ireland) 2022 (c. 3 (N.I.)).
(**d**) Article 10A was inserted by paragraph 142 of Schedule 1 to the Health and Social Care Act (Northern Ireland) 2022.
(**e**) Article 10B was inserted by paragraph 143 of Schedule 1 to the Health and Social Care Act (Northern Ireland) 2022.

PART 3

England and Wales and Scotland

Dentists Act 1984

13.—(1) The Dentists Act 1984(**a**) is amended as follows.

(2) In section 26B(8)(**b**) (bodies to be consulted before issuing guidance for registered dentists)—

(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) at the end of paragraph (d) insert—

"; and

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

(3) In section 36M(8)(**c**) (bodies to be consulted before issuing guidance for registered dental care professionals)—

(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) at the end of paragraph (d) insert—

"; and

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

(4) In section 50D(4)(**d**) (bodies to be consulted before making rules)—

(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) at the end of paragraph (d) insert—

"; and

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

Children Act 1989

14. In Schedule 2 to the Children Act 1989 (support for children and families provided by local authorities in England)(**e**), in paragraph 24(3), for paragraph (b) substitute—

"(b) a Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)).".

Opticians Act 1989

15. In section 27(3)(e) of the Opticians Act 1989(**f**) (requirements for sale and supply of optical appliances), for sub-paragraph (iii) substitute—

(**a**) 1984 c. 24.

(**b**) Section 26B was inserted by S.I. 2005/2011 and amended by paragraph 33 and 34 of Schedule 5 to the Health and Social Care Act 2012 (c. 7).

(**c**) Section 36M was inserted by S.I. 2005/2011 and amended by paragraph 33 and 35 of Schedule 5 to the Health and Social Care Act 2012.

(**d**) Section 50D was inserted by S.I. 2005/2011 and amended by paragraph 33 and 37 of Schedule 5 to the Health and Social Care Act 2012.

(**e**) 1989 c. 41, to which there are amendments not relevant to this Order.

(**f**) 1989 c. 44, to which there are amendments not relevant to this Order.

"(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.".

Freedom of Information Act 2000

16. In Schedule 1 to the Freedom of Information Act 2000(**a**) (public authorities)—

(a) omit paragraph 46;

(b) omit paragraph 47;

(c) in paragraph 48, for "Health and Social Services Trust" substitute "Health and Social Care trust";

(d) omit paragraph 50.

Adoption and Children Act 2002

17.—(1) The Adoption and Children Act 2002(**b**) is amended as follows.

(2) In section 63 (counselling)—

(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 (S.I. 1991/194 (N.I.)),";

(b) omit subsection (5).

(3) In section 65(2)(b) (regulation-making authority in Northern Ireland), for the words from "Health and Social Services Board" to "(N.I. 14))" substitute "Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I.))".

Corporate Manslaughter and Corporate Homicide Act 2007

18. In section 6(7) of the Corporate Manslaughter and Corporate Homicide Act 2007(**c**) (organisations without "relevant duty of care" in some circumstances), in the definition of "relevant NHS body", in paragraph (d), for "Health and Social Services trust or Health and Social Services Board" substitute "Health and Social Care trust".

Modern Slavery Act 2015

19. In Schedule 3 to the Modern Slavery Act 2015(**d**) (public authorities under a duty to co-operate with the Commissioner), omit the entry for the Regional Health and Social Care Board.

PART 4

England and Wales

Adoption and Children Act 2002

20. In Schedule 2 to the Adoption and Children Act 2002(**e**) (disclosure of birth records by Registrar General), in paragraph 2—

(**a**) 2000 c. 36, to which there are amendments not relevant to this Order.
(**b**) 2002 c. 38, to which there are amendments not relevant to this Order.
(**c**) 2007 c. 19, to which there are amendments not relevant to this Order.
(**d**) 2015 c. 30; the entry being omitted was inserted by S.R. 2016/48. There are other amendments not relevant to this Order.
(**e**) To which there are amendments not relevant to this Order.

(a) in sub-paragraph (1)(d), for "Board" substitute "Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I.))";

(b) omit sub-paragraph (3).

Domestic Violence, Crime and Victims Act 2004

21. In section 9(4)(b) of the Domestic Violence, Crime and Victims Act 2004(**a**) (bodies or persons who may be directed to establish or participate in a domestic homicide review)—

(a) omit the words from "Health and Social Services Boards" to "(N.I. 14));";

(b) for "Health and Social Services trusts" substitute "Health and Social Care trusts".

Emergency Workers (Obstruction) Act 2006

22. In section 1(5)(b) of the Emergency Workers (Obstruction) Act 2006(**b**) (offence of obstructing etc. emergency workers: meaning of "relevant NHS body" in relation to Northern Ireland), for "Health and Social Services trust or Health and Social Services Board" substitute "Health and Social Care trust".

National Health Service Act 2006

23.—(1) The National Health Service Act 2006(**c**) is amended as follows.

(2) In section 9(4) (NHS contracts: meaning of "health service body")—

(a) for paragraph (g) substitute—

"(g) the Regional Agency for Public Health and Social Well-being,";

(b) for paragraph (o) substitute—

"(o) the Regional Business Services Organisation,";

(c) in paragraph (q), for "Health and Social Services trust" substitute "Health and Social Care trust".

(3) In section 10(1) (provision for bodies in Northern Ireland), for the words from "a Health and Social Services Board" to "(N.I. 14))" substitute "the Regional Agency for Public Health and Social Well-being".

National Health Service (Wales) Act 2006

24.—(1) The National Health Service (Wales) Act 2006(**d**) is amended as follows.

(2) In section 7(4) (NHS contracts: meaning of "health service body")—

(a) for paragraph (g) substitute—

"(g) the Regional Agency for Public Health and Social Well-being,";

(b) for paragraph (o) substitute—

"(o) the Regional Business Services Organisation,";

(c) in paragraph (q), for "Health and Social Services trust" substitute "Health and Social Care trust".

(3) In section 8(1) (provision for bodies in Northern Ireland) for the words from "a Health and Social Services Board" to "(N.I. 14))" substitute "the Regional Agency for Public Health and Social Well-being".

(**a**) 2004 c. 28.
(**b**) 2006 c. 39.
(**c**) 2006 c. 41, to which there are amendments not relevant to this Order.
(**d**) 2006 c. 42, to which there are amendments not relevant to this Order.

PART 5

Scotland

National Health Service (Scotland) Act 1978

25.—(1) The National Health Service (Scotland) Act 1978(**a**) is amended as follows.

(2) In section 17A(2)(**b**) (persons or bodies who may enter into NHS contracts)—

(a) for paragraph (l) substitute—

"(l) the Regional Agency for Public Health and Social Well-being;";

(b) for paragraph (n) substitute—

"(n) the Regional Business Services Organisation;";

(c) in paragraph (p), for "Health and Social Services trusts" substitute "Health and Social Care trusts".

(3) In section 17B(**c**) (reimbursement of Health Boards' costs)—

(a) in subsection (1), for "Health and Social Services Board" substitute "Health and Social Care trust";

(b) for subsection (4) substitute—

"(4) In subsection (1)—

(a) "Health and Social Care trust" means a Health and Social Care trust established under the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)); and

(b) the reference to a function of a Health and Social Care trust is a reference to a function of such a trust mentioned in Article 10(1) of that Order.".

(4) In Schedule 7A(**d**) (National Health Service trusts), in paragraph 22(1)—

(a) in paragraph (c), at the end insert "or is within the functions of a Health and Social Care trust mentioned in Article 10(1) of the Health and Personal Social Services (Northern Ireland) Order 1991(S.I. 1991/194 (N.I. 1))";

(b) in the words following paragraph (c), for "Health and Social Services Board" substitute "Health and Social Care trust".

Commissioner for Children and Young People (Scotland) Act 2003

26. In section 16 of the Commissioner for Children and Young People (Scotland) Act 2003(**e**) (interpretation), in the definition of "Northern Ireland authority", for the words from "any authority" to the end substitute "an authority within the meaning of Article 2(2) of the Children (Northern Ireland) Order 1995(**f**)".

(**a**) 1978 c. 29.

(**b**) Section 17A was inserted by section 30 of the National Health Service and Community Care Act 1990 (c. 19); section 17A(2) was amended by S.I. 1991/195. There are other amendments not relevant to this Order.

(**c**) Section 17B was inserted by section 30 of the National Health Service and Community Care Act 1990; section 17B(4) was amended by S.I. 1991/195. There are other amendments not relevant to this Order.

(**d**) Schedule 7A was inserted by Schedule 6 to the National Health Service and Community Care Act 1990, and repealed by section 1(1) of the National Health Service Reform (Scotland) Act 2004 (asp 7) only for the purpose stated in article 2(a)(i) of S.S.I 2004/361 (C. 22). Paragraph 22(1)(c) was amended by Schedule 5 to the Health Act 1999 (c. 8); paragraph 22(1) was amended by S.I. 1991/195 (N.I. 2)).

(**e**) 2003 asp 17.

(**f**) S.I. 1995/755 (N.I. 2), to which there are amendments not relevant to this Order.

Adoption and Children (Scotland) Act 2007

27. In section 55 of the Adoption and Children (Scotland) Act 2007(**a**) (connections between the register and birth records)—

(a) in subsection (4)(c), for "Board" substitute "HSC trust";

(b) in subsection (5)(c), for "Board" substitute "HSC trust";

(c) in subsection (8), for the definition of "Board" substitute—

""HSC trust" means a Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)),".

PART 6

Northern Ireland

Immigration Act 1971

28. In section 24(1)(d) of the Immigration Act 1971(**b**) (failure to report to medical officer or submit to medical test or examination), for "chief administrative medical officer of a Health and Social Services Board" substitute "Director of Public Health for Northern Ireland".

Name
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments consequential on the Health and Social Care Act (Northern Ireland) 2022 (c. 3 (N.I.)) (the "2022 Act").

The 2022 Act provides for the dissolution of the Regional Health and Social Care Board and the transfer of its functions to the Northern Ireland Department of Health and Social Care trusts. This Order makes consequential amendments amending references to the Regional Health and Social Care Board to instead reference the Northern Ireland Department of Health or Health and Social Care trusts.

This Order makes additional amendments updating references to other Northern Ireland health bodies which were not previously updated to reflect the reorganisation outlined in the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1 (N.I.)).

The amendments are grouped together by territorial extent. Most of the amendments do not extend to Northern Ireland because the same amendments have already been made in the 2022 Act to the extent that the provisions being amended extend to Northern Ireland.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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(**a**) 2007 asp 4.
(**b**) 1971 c. 77; section 24(1)(d) was amended by S.R. & O. (N.I.) 1973/256.

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