EXPLANATORY MEMORANDUM TO

THE HEALTH AND SOCIAL CARE ACT (NORTHERN IRELAND) 2022 (CONSEQUENTIAL AMENDMENTS) ORDER 2022

2022 No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of this Order is to make 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. The 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.)).

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England and Wales, Scotland and Northern Ireland.

4.2 The territorial application of this instrument is England and Wales, Scotland and Northern Ireland.

5. European Convention on Human Rights

5.1 The Rt Hon Conor Burns MP, Minister of State for Northern Ireland, has made the following statement regarding Human Rights:

"In my view the provisions of the Health and Social Care Act (Northern Ireland) 2022 (Consequential Amendments) Order 2022 are compatible with the Convention rights."

6. Legislative Context

6.1 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.

6.2 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.)).

6.3 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.

6.4 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.

7. Policy background

What is being done and why?

7.1 The 2022 Act was passed in the Northern Ireland Assembly, receiving Royal Assent on 7 February 2022. 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.

7.2 There are a number of UK Parliament Acts where the “Regional Health and Social Care Board" is referenced. This Order will make consequential amendments to update the references to the Regional Health and Social Care Board so that the “Northern Ireland Department of Health or Health and Social Care trusts” is referenced instead.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act

9. Consolidation

9.1 This instrument does not consolidate any current legislation.

10. Consultation outcome

10.1 Not relevant.

11. Guidance

11.1 Not relevant.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 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.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 Monitoring of this legislation is not considered necessary.

14.2 The instrument does not include a statutory review clause.

15. Contact

15.1 The Constitution and Rights Policy Group at the Northern Ireland Office, Telephone: 07867155012 or email: constitution-mailbox@nio.gov.uk, can be contacted with any queries regarding the instrument.

15.2 Holly Clark, Deputy Director for the Constitution and Rights Policy Group at the Northern Ireland Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 Rt Hon Conor Burns MP, Minister of State at the Northern Ireland Office can confirm that this Explanatory Memorandum meets the required standard.