STATUTORY RULES OF NORTHERN IRELAND

2001 No. 128 (C. 5)

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (2001 Act) (Commencement No. 1) Order (Northern Ireland) 2001

Made . . . . . 23rd March 2001

The Department of Health, Social Services and Public Safety(**a**), in exercise of the powers conferred on it by section 61(2) of the Health and Personal Social Services Act (Northern Ireland) 2001(**b**), and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Health and Personal Social Services (2001 Act) (Commencement No. 1) Order (Northern Ireland) 2001.

(2) In this Order:

"the Act" means the Health and Personal Social Services Act (Northern Ireland) 2001;

"the Council" means the Northern Ireland Social Care Council.

Appointed days

2.—(1) 1st June 2001 is the day appointed for the coming into operation of:

(*a*) section 1(1), (3) and (4) of, and Schedule 1 to, the Act (the establishment, and exercise of functions, of the Council);

(*b*) for the purpose only of the exercise of any power of the Council to make rules and prepare codes of practice, sections 6, 7, 9, 10, 12, 13 and 18 of the Act; and

(*c*) sections 2, 20, 21 and 22 of the Act (interpretation).

(2) The day appointed for the coming into operation of section 54(1) and (2) of the Act (public access to meetings of certain bodies), is 1st June 2001.

(3) The day appointed for the coming into operation of section 53 of the Act (regulations under section 11 of the Medical Act 1983(**c**)) and section 55 of, and Schedule 3 to, the Act (sale of medical practices: goodwill), is 2nd July 2001.

(4) The day appointed for the coming into operation of the provisions of the Act set out in column 1 of the Schedule to this Order (the subject matter of each provision being set out in column (2)), is 2nd April 2001.

(**a**) *See* S.I. 1999/283 (N.I. 1) Article 3(6)
(**b**) 2001 c. 3 (N.I.)
(**c**) 1983 c. 54

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 23rd March 2001.

(L.S.) *P. Simpson*

Senior Officer of the Department
of Health, Social Services and Public Safety

Provisions of the Act coming into operation on 2nd April 2001

Column 1 *Provision of the Act*	Column 2 *Subject matter*
Sections 23 to 38	Recovery of charges in connection with the treatment of road traffic casualties.
Section 41	Indemnity cover for Part VI services.
Section 42	Local representative committees.
Section 43	Establishment orders.
Section 44	Exercise of powers.
Section 45	Public dividend capital.
Section 46	Existing HSS trusts: conversion of initial loan.
Section 47	Borrowing, surplus funds and investment.
Section 50	Disclosure of information by Commissioner for Complaints.
Section 51	Provision of information as to births and deaths.
Section 52	Liability of officers of HSS Councils.
Section 56 and Schedule 4	Regulation of the profession of pharmaceutical chemist.
Section 60(3), and Schedule 5, in so far as those provisions relate to:	Repeals
the Health and Personal Social Services (Northern Ireland) Order 1972(**a**);	In Article 97(1) the word “or” at the end of sub-paragraph (*c*).
the National Health Service Act 1977(**b**);	In Schedule 15, paragraph 72 and the cross-headings immediately preceding it.
the Judicature (Northern Ireland) Act 1978(**c**);	In Part II of Schedule 5, the amendment to the Health and Personal Social Services (Northern Ireland) Order 1972.
the Road Traffic (Northern Ireland) Order 1981(**d**);	Article 99

(**a**) S.I. 1972/1265 (N.I. 14)
(**b**) 1977 c. 49
(**c**) 1978 c. 23
(**d**) S.I. 1981/154 (N.I. 1)

Column 1 *Provision of the Act*	Column 2 *Subject matter*
the Health and Personal Social Services (Northern Ireland) Order 1991(**a**);	Article 5. Article 14(5) and (6). In Article 14(8) the words “, (5), (6)”. In Schedule 3, paragraph 16(*d*). In Schedule 4, paragraph 3(2) and 4(2). In Part II of Schedule 5 the amendment to the Road Traffic (Northern Ireland) Order 1981.
the Health and Personal Social Services (Northern Ireland) Order 1994(**b**);	Article 3(8). In Schedule 1, the amendments to paragraph 6 of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991.
the Commissioner for Complaints (Northern Ireland) Order 1996(**c**);	Article 21(1A).
the Commissioner for Complaints (Amendment) (Northern Ireland) Order 1997(**d**).	Article 6(3).

(**a**) S.I. 1991/194 (N.I. 1)
(**b**) S.I. 1994/429 (N.I. 2)
(**c**) S.I. 1996/1297 (N.I. 7)
(**d**) S.I. 1997/1758 (N.I. 14)

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order brings into operation on various dates certain provisions of the Health and Personal Social Services Act (Northern Ireland) 2001 ("the Act").

Article 2(1) and (2) of the Order brings into operation on various dates the provisions of Part I of, and Schedule 1 to, the Act relating to social care workers, as follows:

(*a*) sections 1(1), (3) and (4), and Schedule 1 (the establishment, and functions, of the Council), on 1st June 2001;

(*b*) for the purpose only of the exercise of any power to make rules and prepare codes of practice, sections 6, 7, 9, 10, 12, 13 and 18, on 1st June 2001; and

(*c*) sections 2, 20, 21 and 22 (interpretation), on 1st June 2001.

Section 53 of the Act (regulations under section 11 of the Medical Act 1983) and section 55 of, and Schedule 3 to, the Act (sale of medical practices: goodwill), are brought into operation on 2nd July 2001 (Article 2(3)).

Section 54(1) and (2) of the Act (public access to meetings of certain bodies), is brought into operation on 1st June 2001.

Article 2(4) of the Order introduces the Schedule, which sets out provisions of the Act which are brought into operation on 2nd April 2001. Those provisions relate to:

(*a*) recovery from insurers of the costs of hospital treatment of road traffic accident casualties (Part II of the Act);

(*b*) indemnity cover for family health services practitioners (section 41);

(*c*) local representative committees (section 42);

(*d*) establishment orders (section 43);

(*e*) exercise of powers (section 44);

(*f*) public dividend capital (section 45);

(*g*) existing HSS trusts: conversion of initial loan (section 46);

(*h*) borrowing, surplus funds and investment (section 47);

(*i*) disclosure of information by Commissioner for Complaints (section 50);

(*j*) provision of information as to births and deaths (section 51);

(*k*) liability of officers of HSS Councils (section 52);

(*l*) regulation of the profession of pharmaceutical chemist (section 56 and Schedule 4); and

(*m*) Section 60(3), and Schedule 5, in so far as the repeals in that Schedule are relevant to the above provisions.

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