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*Changes to legislation: There are currently no known outstanding effects for the Health and Personal Social Services Act (Northern Ireland) 2001, SCHEDULE 1. (See end of Document for details)*

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## Schedules

### SCHEDULE 1

Section 1.

#### THE NORTHERN IRELAND SOCIAL CARE COUNCIL

##### *Status*

1. The Council shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Council's property shall not be regarded as property of, or property held on behalf of, the Crown.

##### *General powers*

2.—(1) Subject to any directions given by the Department, the Council may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.

(2) That includes, in particular—

- (a) co-operating with other public authorities in the United Kingdom;
- (b) acquiring and disposing of land and other property; and
- (c) entering into contracts.

##### *General duty*

3. It is the duty of the Council to carry out its functions effectively, efficiently and economically.

##### *Membership*

4. The Council shall consist of a chairman and other members appointed by the Department.

##### *Appointment, procedure etc.*

5. The Department may by regulations make provision as to—

- (a) the appointment of the chairman and other members of the Council (including the number, or limits on the number, of members who may be appointed and any conditions to be fulfilled for appointment);

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- (b) the tenure of office of the chairman and other members of the Council (including the circumstances in which they cease to hold office or may be removed or suspended from office);
- (c) the appointment of, constitution of and exercise of functions by committees and sub-committees of the Council (including committees and sub-committees which consist of or include persons who are not members of the Council); and
- (d) the procedure of the Council and any committees or sub-committees of the Council (including the validation of proceedings in the event of vacancies or defects in appointment).

#### *Remuneration and allowances*

6.—(1) The Council may pay to its chairman, to any other member of the Council and to any member of a committee or sub-committee who is not a member of the Council, such remuneration and allowances as the Department may determine.

(2) If the Department so determines, the Council shall make provision for the payment of such pension, allowance or gratuities as the Department may determine to or in respect of a person who is or has been the chairman or any other member of the Council.

(3) If the Department determines that there are special circumstances that make it right for a person ceasing to hold office as chairman of the Council to receive compensation, the Council shall pay to him such compensation as the Department may determine.

(4) Any determination of the Department under this paragraph shall be subject to the approval of the Department of Finance and Personnel.

#### *Chief officer*

7.—(1) There shall be a chief officer of the Council who shall be a member of the staff of the Council and shall be responsible to the Council for the general exercise of its functions.

(2) The first chief officer shall be appointed by the Department on such terms and conditions as the Department may determine.

(3) Subject to paragraph 8(3), any chief officer subsequent to the first shall be appointed by the Council on such terms and conditions as the Council may determine.

(4) An appointment under sub-paragraph (3) requires the approval of the Department.

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### *Staff*

- 8.**—(1) The Council may appoint such other staff as it considers appropriate.
- (2) Subject to sub-paragraph (3), appointments under this paragraph shall be on such terms and conditions as the Council may determine.
- (3) The Department may give directions as to—
- (a) the appointment of staff under this paragraph and paragraph 7(3) (including any conditions to be fulfilled for appointment); and
  - (b) the terms and conditions of appointment of staff under the provisions mentioned in sub-paragraph (a).
- (4) Different directions may be given under sub-paragraph (3) in relation to different categories of staff.

### *Delegation of functions*

- 9.** The Council may arrange for the discharge of any of its functions by a committee, sub-committee, member or member of staff of the Council or any other person.

### *Arrangements for the use of staff*

- 10.** The Department may by regulations provide for arrangements under which—
- (a) members of staff of the Council are placed at the disposal of a prescribed person for the purpose of discharging, or assisting in the discharge of, prescribed functions of that person; or
  - (b) members of staff of a prescribed person are placed at the disposal of the Council for the purpose of discharging, or assisting in the discharge of, any functions of the Council.

### *Payments to Council*

- 11.** The Department may make payments to the Council of such amounts, at such times and on such conditions (if any) as it considers appropriate.

### *Accounts*

- 12.**—(1) The Council shall keep accounts in such form as the Department may determine.
- (2) The Council shall prepare annual accounts in respect of each financial year in such form as the Department may determine.

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(3) The Council shall send copies of the annual accounts to the Department and the Comptroller and Auditor General within such period after the end of the financial year to which the accounts relate as the Department may determine.

(4) The Comptroller and Auditor General shall examine, certify and report on the annual accounts and lay copies of the accounts and of his report before the Assembly.

(5) In this paragraph and paragraph 13 “financial year” means—

- (a) the period beginning with the date on which the Council is established and ending with the next 31st March following that date; and
- (b) each successive period of twelve months ending with 31st March.

*Reports and other information*

**13.—**(1) As soon as possible after the end of each financial year, the Council shall make a report to the Department on the exercise of its functions during the year.

(2) The Council shall provide the Department with such reports and information relating to the exercise of its functions as the Department may from time to time require.

(3) A report made under sub-paragraph (1) shall be published in a manner which the Council considers appropriate.

*Application of seal and evidence*

**14.** The application of the seal of the Council shall be authenticated by the signature—

- (a) of any member of the Council; or
- (b) of any other person who has been authorised by the Council (whether generally or specifically) for that purpose.

**15.** A document purporting to be duly executed under the seal of the Council or to be signed on its behalf shall be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

*General*

**16.** In the Northern Ireland Assembly Disqualification Act 1975 (c. 25), in Part II of Schedule 1 (bodies of which all members are disqualified), the following entry shall be inserted at the appropriate place—

“The Northern Ireland Social Care Council.”

<sup>F1</sup>**17.** .....

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**F1** Sch. 1 para. 17 repealed (1.4.2016) by [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c. 4\)](#), s. 64, [Sch. 9](#) (with s. 23, 50(3))

**18.** In the Superannuation (Northern Ireland) Order 1972 (NI 10) in Schedule 1 (employments to which Article 3 of that Order applies) at the end add—  
“Employment by the Northern Ireland Social Care Council.”.

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