

These notes refer to the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c.1) which received Royal Assent on 21 January 2009

Health and Social Care (Reform) Act (Northern Ireland) 2009

EXPLANATORY NOTES

OPTIONS CONSIDERED

6. The provision of health and social care in Northern Ireland is currently provided for by the Health and Personal Social Services (Northern Ireland) Order 1972 (the 1972 Order). The 1972 Order is now some 36 years old and has been significantly amended over the years. One option was to introduce a new single piece of primary legislation in order to consolidate all existing enactments as was the case in England and Wales. The timescale within which the new arrangements need to be in place, however, prevented such an all-embracing approach.
7. Another approach would have been to replace the delegation model which underpins the existing legislation. In this model, all the functions are cascaded down from the Department of Health, Social Services and Public Safety to HSC organisations. The alternative would involve defining the functions of the new bodies on the face of the Act. Such a rigidly defined approach would, however, have been problematic given the breadth of functions which need to be defined at each level of the system and the pace of change in the way health and social care is delivered.