

*Status: Point in time view as at 01/04/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care Act (Northern Ireland) 2022, Cross Heading: Mental Health (Northern Ireland) Order 1986. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

#### Transfer of the Regional Board's functions

#### *Mental Health (Northern Ireland) Order 1986*

**67.** The Mental Health (Northern Ireland) Order 1986 is amended as follows.

#### Commencement Information

- I1** Sch. 1 para. 67 not in operation at Royal Assent, see **s. 8(1)(b)**  
**I2** Sch. 1 para. 67 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

**68.—**(1) Article 2 is amended as follows.

(2) In paragraph (2)—

- (a) in the definition of “approved social worker”, omit “a Board or”;  
 (b) omit the definition of “Board”;  
 (c) in the definition of “responsible authority”, for paragraphs (a) and (b) substitute—

“(a) in relation to a patient whose admission to a hospital is being sought or who is in, or is liable to be detained in, a hospital, the authorised HSC trust in which the hospital is vested;

(b) in relation to a patient who is the subject of a guardianship application or is subject to guardianship under this Order, the authorised HSC trust in whose area the patient resides.”.

(3) In paragraph (2B), for the words from “by which functions” to the end of the paragraph substitute “that is exercising social care and children functions within the meaning of Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991.”.

#### Commencement Information

- I3** Sch. 1 para. 68 not in operation at Royal Assent, see **s. 8(1)(b)**  
**I4** Sch. 1 para. 68 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

**69.** In Article 8(3), omit “a Board or”.

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**Commencement Information**

- I5 Sch. 1 para. 69 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)  
I6 Sch. 1 para. 69 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

70. In Article 16(3)(f), omit “Board or”.

**Commencement Information**

- I7 Sch. 1 para. 70 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)  
I8 Sch. 1 para. 70 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

71. In Article 22(1), omit “Board,” (in both places).

**Commencement Information**

- I9 Sch. 1 para. 71 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)  
I10 Sch. 1 para. 71 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

72. In Article 25, omit “a Board or” (in both places).

**Commencement Information**

- I11 Sch. 1 para. 72 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)  
I12 Sch. 1 para. 72 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

73. In Article 26(b), omit “Boards and”.

**Commencement Information**

- I13 Sch. 1 para. 73 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)  
I14 Sch. 1 para. 73 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

74.—(1) Article 28 is amended as follows.

- (2) In paragraphs (1) and (5), for “A Board or” substitute “An”.  
(3) In paragraph (4)(b), omit “the Board or”.

**Commencement Information**

- I15 Sch. 1 para. 74 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)  
I16 Sch. 1 para. 74 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

75. In Article 33—

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- (a) for “a Board or” substitute “an”;
- (b) omit “Board or” (in the second place).

**Commencement Information**

- I17** Sch. 1 para. 75 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
- I18** Sch. 1 para. 75 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

- 76.**—(1) Article 40 is amended as follows.
- (2) In paragraphs (1) and (3), omit “Board or”.
  - (3) In paragraph (4), for “a Board or” substitute “an”.
  - (4) Omit paragraph (6).

**Commencement Information**

- I19** Sch. 1 para. 76 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
- I20** Sch. 1 para. 76 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

- 77.**—(1) Article 42 is amended as follows.
- (2) In paragraph (1), for “the Department” substitute “such authorised HSC trust as it may specify”.
  - (3) In paragraph (4), for “the Department” substitute “the trust which it proposes to specify”.
  - (4) In paragraph (9)(a) and (c), for “the Department” substitute “the trust”.
  - (5) In paragraph (9)(d), omit “the Board or”.

**Commencement Information**

- I21** Sch. 1 para. 77 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)
- I22** Sch. 1 para. 77 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

- 78.**—(1) Article 43 is amended as follows.
- (2) In paragraph (1), for “the Department” substitute “such authorised HSC trust as it may specify”.
  - (3) In paragraph (3), for “the Department” substitute “the trust which it proposes to specify”.

**Commencement Information**

- I23** Sch. 1 para. 78 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

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**I24** Sch. 1 para. 78 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

**79.**—(1) Article 44 is amended as follows.

(2) In paragraph (1)—

(a) for “the Department” substitute “such authorised HSC trust as it may specify”;

(b) omit “a Board or” (in both places).

(3) In paragraph (5), for “the Department” substitute “the trust which it proposes to specify”.

**Commencement Information**

**I25** Sch. 1 para. 79 not in operation at Royal Assent, see s. 8(1)(b)

**I26** Sch. 1 para. 79 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

**80.**—(1) Article 45 is amended as follows.

(2) In paragraph (1), for “the Department” substitute “such authorised HSC trust as it may specify”.

(3) In paragraph (3), for “the Department” substitute “the trust which it proposes to specify”.

**Commencement Information**

**I27** Sch. 1 para. 80 not in operation at Royal Assent, see s. 8(1)(b)

**I28** Sch. 1 para. 80 in operation at 1.4.2022 by S.R. 2022/102, art. 2(b)

**81.**—(1) Article 46 is amended as follows.

(2) In paragraph (1)—

(a) for “the Department” substitute “the trust specified by the court”;

(b) omit “the Board or”.

(3) In paragraph (2)—

(a) for “the Department” substitute “the trust”;

(b) omit “the Board or”.

(4) In paragraph (3)—

(a) for “the Department” (in both places) substitute “the trust”;

(b) omit “the Board or”.

(5) In paragraph (5), omit “Board,”.

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- I29** Sch. 1 para. 81 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)  
**I30** [Sch. 1 para. 81](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

**82.** In Article 48(3)(a), for “the Department” substitute “the HSC trust”.

**Commencement Information**

- I31** Sch. 1 para. 82 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)  
**I32** [Sch. 1 para. 82](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

**83.** In Article 50A(4), for “the Department” substitute “the authorised HSC trust in which the hospital is vested”.

**Commencement Information**

- I33** Sch. 1 para. 83 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)  
**I34** [Sch. 1 para. 83](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

**84.** In Article 61(2), omit “Board or”.

**Commencement Information**

- I35** Sch. 1 para. 84 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)  
**I36** [Sch. 1 para. 84](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

**85.** In the heading to Article 73, for “Boards” substitute “responsible authorities”.

**Commencement Information**

- I37** Sch. 1 para. 85 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)  
**I38** [Sch. 1 para. 85](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

**86.—(1)** Article 86(2) is amended as follows.

(2) In sub-paragraph (c)—

- (a) omit “a Board,”;
- (b) omit “the Board,”.

(3) In sub-paragraph (d)—

- (a) omit “a Board,”;
- (b) omit “the Board,”.

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(4) In sub-paragraph (e), omit “a Board,”.

**Commencement Information**

**I39** Sch. 1 para. 86 not in operation at Royal Assent, see **s. 8(1)(b)**

**I40** Sch. 1 para. 86 in operation at 1.4.2022 by **S.R. 2022/102, art. 2(b)**

**87.**—(1) Article 107 is amended as follows.

(2) In paragraph (1)—

(a) for “a Board or” substitute “an”;

(b) omit “Board or” (in the second place).

(3) Omit paragraph (1A).

**Commencement Information**

**I41** Sch. 1 para. 87 not in operation at Royal Assent, see **s. 8(1)(b)**

**I42** Sch. 1 para. 87 in operation at 1.4.2022 by **S.R. 2022/102, art. 2(b)**

**88.** In the heading to Part 9, for “AND BOARDS” substitute “, THE REGIONAL AGENCY AND HSC TRUSTS”.

**Commencement Information**

**I43** Sch. 1 para. 88 not in operation at Royal Assent, see **s. 8(1)(b)**

**I44** Sch. 1 para. 88 in operation at 1.4.2022 by **S.R. 2022/102, art. 2(b)**

**89.** In Article 111(1)(a), omit “Boards,”.

**Commencement Information**

**I45** Sch. 1 para. 89 not in operation at Royal Assent, see **s. 8(1)(b)**

**I46** Sch. 1 para. 89 in operation at 1.4.2022 by **S.R. 2022/102, art. 2(b)**

**90.**—(1) Article 112 is amended as follows.

(2) In paragraph (1), for “The Regional Health and Social Care Board” substitute “HSC trusts”.

(3) Omit paragraph (2).

(4) In the heading, for “Boards” substitute “the Regional Agency and HSC trusts”.

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#### Commencement Information

- I47** Sch. 1 para. 90 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)  
**I48** Sch. 1 para. 90 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

**91.**—(1) Article 113 is amended as follows.

- (2) In paragraph (1)—  
 (a) for “a Board” substitute “an HSC trust”;  
 (b) in sub-paragraph (a), for “the Board” (in both places) substitute “the trust”.  
 (3) Omit paragraph (2).  
 (4) In the heading, for “Boards” substitute “HSC trusts”.

#### Commencement Information

- I49** Sch. 1 para. 91 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)  
**I50** Sch. 1 para. 91 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

**92.**—(1) Article 114 is amended as follows.

- (2) In paragraph (1), for “a Board” substitute “an HSC trust”.  
 (3) Omit paragraph (2).  
 (4) In the heading, for “Boards” substitute “HSC trusts”.

#### Commencement Information

- I51** Sch. 1 para. 92 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)  
**I52** Sch. 1 para. 92 in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

**93.**—(1) Article 115 is amended as follows.

- (2) In paragraph (1), for “A Board” substitute “An authorised HSC trust”.  
 (3) In paragraph (2)—  
 (a) for “a Board” substitute “a trust”;  
 (b) for “the Board” substitute “the trust”.  
 (4) In paragraph (3), for “a Board” substitute “a trust”.  
 (5) Omit paragraph (4).  
 (6) In the heading, for “Boards” substitute “authorised HSC trusts”.

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**I53** Sch. 1 para. 93 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

**I54** [Sch. 1 para. 93](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

**94.**—(1) Article 116 is amended as follows.

(2) In paragraph (1)—

(a) for “a Board” substitute “an HSC trust”;

(b) for “the Board” substitute “the trust”.

(3) In paragraph (2), for “a Board” substitute “a trust”.

(4) In paragraph (3)—

(a) for “a Board” substitute “a trust”;

(b) for “the Board” substitute “the trust”.

(5) In paragraph (4), for “A Board” substitute “A trust”.

(6) Omit paragraph (6).

(7) In the heading, for “Boards” substitute “HSC trusts”.

#### Commencement Information

**I55** Sch. 1 para. 94 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

**I56** [Sch. 1 para. 94](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

**95.** In the heading to Article 117, for “Boards” substitute “responsible authorities”.

#### Commencement Information

**I57** Sch. 1 para. 95 not in operation at Royal Assent, see [s. 8\(1\)\(b\)](#)

**I58** [Sch. 1 para. 95](#) in operation at 1.4.2022 by [S.R. 2022/102](#), [art. 2\(b\)](#)

**96.**—(1) Article 118 is amended as follows.

(2) In paragraph (1), for “a Board” substitute “an HSC trust”.

(3) In paragraph (2), for “A Board” substitute “A trust”.

(4) In paragraph (4)—

(a) for “Each Board” substitute “Each HSC trust”;

(b) in sub-paragraph (a), for “the Board” substitute “the trust”.

(5) Omit paragraph (5).

(6) In the heading, for “Boards” substitute “HSC trusts”.



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- I59** Sch. 1 para. 96 not in operation at Royal Assent, see **s. 8(1)(b)**  
**I60** Sch. 1 para. 96 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

**97.** In Article 121(1), omit “a member of the Board or”.

**Commencement Information**

- I61** Sch. 1 para. 97 not in operation at Royal Assent, see **s. 8(1)(b)**  
**I62** Sch. 1 para. 97 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

**98.—(1)** Article 129 is amended as follows.

- (2) In paragraphs (1) and (2), omit “of a Board or”.  
 (3) In paragraph (7), omit “Board or”.

**Commencement Information**

- I63** Sch. 1 para. 98 not in operation at Royal Assent, see **s. 8(1)(b)**  
**I64** Sch. 1 para. 98 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

**99.** In Article 133(4), omit “, a Board”.

**Commencement Information**

- I65** Sch. 1 para. 99 not in operation at Royal Assent, see **s. 8(1)(b)**  
**I66** Sch. 1 para. 99 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

**100.—(1)** In Part 1 of Schedule 2, paragraph 9(a) is amended as follows.

- (2) For “the Department” substitute “the trust”.

**Commencement Information**

- I67** Sch. 1 para. 100 not in operation at Royal Assent, see **s. 8(1)(b)**  
**I68** Sch. 1 para. 100 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

**101.—(1)** Paragraph 3 of Schedule 2A is amended as follows.

- (2) In sub-paragraph (1)(a)—  
 (a) omit “the Board or”;  
 (b) omit “Board or” (in the second place).  
 (3) In sub-paragraph (3)(c), omit “Board or”.

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#### **Commencement Information**

- I69** Sch. 1 para. 101 not in operation at Royal Assent, see **s. 8(1)(b)**
- I70** Sch. 1 para. 101 in operation at 1.4.2022 by S.R. 2022/102, **art. 2(b)**

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