

SCHEDULES

SCHEDULE 2

Section 3.

Local Commissioning Groups

Statutory provisions to continue to operate in relation to Groups as continued

1.—(1) The following provisions continue to apply to or in relation to Local Commissioning Groups and their members—

- (a) section 9(2), (3)(a), (4), (5) and (6)(a) and (c) of the Health and Social Care (Reform) Act (Northern Ireland) 2009 (“the 2009 Act”);
- (b) paragraphs 8 to 11(1) of Schedule 1 to the 2009 Act, so far as those paragraphs apply to, or relate to, committees of the Regional Board and their members;
- (c) regulations 1, 2(2) and 3 of, and the Schedule to, the Local Commissioning Groups (Number, Area and Functions) Regulations (Northern Ireland) 2009 ([S.R. 2009/99](#));
- (d) the Local Commissioning Groups (Membership) Regulations (Northern Ireland) 2009 ([S.R. 2009/395](#)) (the “Membership Regulations”), except regulation 3(1) to (3) (appointments);

but this is subject to the modifications made by sub-paragraph (2).

(2) The provisions applied by sub-paragraph (1) are modified as follows—

- (a) the power conferred by paragraph 9 of Schedule 1 to the 2009 Act is conferred on the Department, and in that paragraph the words “Without prejudice to section 19(1)(a)(v) of the [Interpretation Act \(Northern Ireland\) 1954 \(c. 33\)](#)” are omitted;
- (b) in the Membership Regulations—
 - (i) references (however expressed) to employment by the Regional Board are to be read as references to employment by the Department or the Regional Business Services Organisation;
 - (ii) other references to the Regional Board are to be read as references to the Department.

2. Paragraph 1 does not affect the continued operation of any other statutory provision that applies to, or relates to, Local Commissioning Groups.

Appointments and terms of office

3.—(1) Any person who is a member of a Local Commissioning Group immediately before the dissolution of the Regional Board is to continue to be a member of that Group; but this is subject to the following provisions of this paragraph.

(2) The term of office of a person who is a member of a Group by virtue of sub-paragraph (1) is to end six months after the date on which the Regional Board is dissolved.

(3) The Department may direct in writing that the term of office under sub-paragraph (2) is to be extended by such period, not exceeding 12 months, as may be specified in the direction.

(4) The Department may exercise the power conferred by sub-paragraph (3) more than once.

4.—(1) In the event of any vacancy in the membership of a Local Commissioning Group (as determined in accordance with regulation 2 of the Membership Regulations), the Department may appoint a person to fill the vacancy.

(2) The terms of appointment under sub-paragraph (1) must comply with the Membership Regulations, but otherwise are to be determined by the Department.

(3) A person who has ceased to be a member of a Group is eligible for re-appointment.

5. Paragraphs 3 and 4 are subject to regulations 3(4) to (9) and 4 to 6 of the Membership Regulations (cessation of membership in certain circumstances, disqualification, resignation and removal).

Other provision about the Groups as continued

6. The Department may pay to members of a Local Commissioning Group who are not employees or officers of the Department or the Regional Business Services Organisation such remuneration and allowances as the Department may determine.

7. In the 2009 Act—

- (a) section 2(3)(h) (duty of Department to monitor and hold to account) applies in relation to Local Commissioning Groups;
- (b) the duty in section 5 (preparation of framework document) applies as if a Local Commissioning Group were a health and social care body;
- (c) section 6 (power of Department to give directions) applies in relation to Local Commissioning Groups;
- (d) a Local Commissioning Group is a relevant body for the purposes of section 15 (RBSO support services);

(e) sections 17 to 19 (Patient and Client Council and public involvement) apply to Local Commissioning Groups.

8.—(1) The Department may give guidance to a Local Commissioning Group as to the carrying out by the Group of any of its functions.

(2) It is the duty of a Local Commissioning Group to have regard to any guidance given to it under sub-paragraph (1).

(3) Section 29(3) of the 2009 Act applies to guidance given under sub-paragraph (1).

9. References in the following provisions to a health and social care body are to be treated as including a Local Commissioning Group—

- (a) Article 67 of the 1972 Order (duty of various bodies to co-operate with one another);
- (b) section 3(8) of the Health and Social Care (Control of Data Processing) Act (Northern Ireland) 2016 (code of practice on processing of information);
- (c) sections 14(2)(a) and 15(1) of the Public Services Ombudsman Act (Northern Ireland) 2016 (matters which the Ombudsman may investigate).

Continuity

10.—(1) Any document made or other thing done by the Regional Board in relation to the Local Commissioning Groups, if in effect immediately before the dissolution of the Board, continues to have effect to the same extent and subject to the same provisions.

(2) Sub-paragraph (1)—

- (a) does not apply if the context requires otherwise, and
- (b) is subject to any power conferred on the Department by paragraphs 1 to 9 to make other provision.

Power of Department to dissolve the continued Groups

11.—(1) The following provisions cease to have effect on such day as the Department may by regulations appoint—

- (a) section 9(2), (3)(a), (4), (5) and (6)(a) and (c) of the 2009 Act;
- (b) paragraphs 8 to 11(1) of Schedule 1 to the 2009 Act, so far as those paragraphs apply to, or relate to, the Local Commissioning Groups and their members;
- (c) section 3 and this Schedule;
- (d) the Local Commissioning Groups (Number, Area and Functions) Regulations (Northern Ireland) 2009;

(e) the Membership Regulations.

(2) Accordingly, on the day appointed under sub-paragraph (1), the Local Commissioning Groups are dissolved.

(3) The Department may not make regulations under sub-paragraph (1) unless the Department makes, or has made, regulations under section 15B(1) of the 2009 Act, as inserted by section 4(1) of this Act (establishment of local area bodies).

(4) Regulations under sub-paragraph (1) are subject to negative resolution.

(5) But sub-paragraph (4) does not apply if a draft of the regulations (whether alone or with other provision) has been laid before, and approved by a resolution of, the Assembly.