

**Changes to legislation:** *Health and Personal Social Services (Northern Ireland) Order 1972, Paragraph 3 is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 11

#### DISQUALIFICATION OF PERSONS PROVIDING PART VI SERVICES

**F1** 2001 c. 3 (NI)

### PART I

#### THE TRIBUNAL

##### Powers of the Tribunal

- 3.—(1) Sub-paragraph (2) applies where the Tribunal is of the opinion—
- (a) on inquiring into an efficiency case, that the person meets the first condition for disqualification;
  - (b) on inquiring into a fraud case, that the person meets the second condition for disqualification.
- [ on inquiring into an unsuitability case, that the person meets the third condition for <sup>F2</sup>(c) disqualification.]
- [<sup>F3</sup>(2) The Tribunal must disqualify the person for inclusion in the list to which the case relates.]
- (3) If the Tribunal makes a general disqualification it may also declare that the person is not fit to be engaged in any capacity in the provision [<sup>F4</sup>, or as the case may be performance,] of the services to which the lists in question relate (referred to in this Schedule as a declaration of unfitness).
- (4) The Tribunal shall not make [<sup>F5</sup>a] disqualification or declaration under this paragraph if it is of the opinion that it would be unjust to do so.
- (5) A disqualification under this paragraph shall have effect when proceedings in the case are finally concluded.
- (6) If a person is disqualified for inclusion in any list prepared by [<sup>F6</sup>the Department] , [<sup>F7</sup>the Department] shall not enter him in the list and (if he is already included in the list) shall remove him from the list.]

- F2** Sch. 11 para. 3(1)(c) inserted (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\), ss. 11, 18\(1\)\(a\)\(b\), Sch. 1 para. 3\(2\)](#)
- F3** Sch. 11 para. 3(2) substituted (13.6.2016) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2016 \(c. 26\), ss. 12\(1\)\(m\), 20\(2\)](#)
- F4** Words in Sch. 11 para. 3(3) inserted (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\), ss. 11, 18\(1\)\(a\)\(b\), Sch. 1 para. 3\(4\)](#)
- F5** Word in Sch. 11 para. 3(4) substituted (26.3.2008) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\), ss. 11, 18\(1\)\(a\)\(b\), Sch. 1 para. 3\(5\)](#)
- F6** Words in Sch. 11 para. 3(6) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 53\(3\)\(a\); S.R. 2022/102, art. 2\(b\)](#)

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**F7** Words in Sch. 11 para. 3(6) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 53\(3\)\(b\)](#); S.R. 2022/102, art. 2(b)

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**Changes and effects yet to be applied to :**

- Instrument amended by [1995 c. 51 s.4Sch. para.30](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 56(4C)(4D) substituted by [S.I. 2002/3135 Sch. 1 para. 16](#) (This amendment has not been applied as it has been superceded by the substitution of art. 56 by 2004/311 NI 2 art. 3)
- art. 61-61E and art. 61F and cross-heading substituted for art. 61 by [2008 c. 2 \(N.I.\) s. 2\(2\)](#) (This amending provision is itself amended (13.6.2016) before it comes into force by 2016 c. 26 (N.I.), ss. 9, 20(2))
- art. 98(3) added by [2008 c. 2 \(N.I.\) s. 4\(1\)](#)
- art. 107(1A) inserted by [2008 c. 2 \(N.I.\) s. 4\(4\)\(b\)](#)