

2002 No. 349

HEALTH AND PERSONAL SOCIAL SERVICES

**The Northern Ireland Social Care Council (Appointments
and Procedure) (Amendment) Regulations
(Northern Ireland) 2002**

Made - - - - - *12th November 2002*

Coming into operation *20th December 2002*

The Department of Health, Social Services and Public Safety^(a), in exercise of the powers conferred upon it by sections 1(4) and 57(3) of, and paragraph 5 of Schedule 1 to, the Health and Personal Social Services Act (Northern Ireland) 2001^(b) and of all other powers enabling it in that behalf hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Northern Ireland Social Care Council (Appointments and Procedure) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 20th December 2002.

(2) In these Regulations –

“the principal Regulations” means the Northern Ireland Health and Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001^(c).

Amendments to regulation 3 of the principal Regulations

2. In regulation 3 of the principal Regulations (Terms of Appointment) –

(a) in paragraph (2) for “The other members” there shall be substituted “The members”;

(b) in paragraph (5) –

(i) for “member” there shall be substituted “a member”; and

(ii) for “4 years” there shall be substituted “4 years,”.

Amendments to regulation 4 of the principal Regulations

3. In regulation 4 of the principal Regulations (Disqualification for appointment) –

(a) in paragraph (1) –

(i) in sub-paragraph (c) the word “fairly” shall be omitted;

(ii) in sub-paragraph (d)(i) for “of that body,” there shall be substituted “of, that body”;

(b) after paragraph (6) there shall be inserted the following paragraph: –

“(6A) For the purposes of paragraph (1)(c) “dismissal” excludes dismissal which was established to have been unfair in industrial tribunal proceedings”.

(a) See S.I. 1999/283 (N.I. 1) Article 3(6)

(b) 2001 c. 3 (N.I.)

(c) S.R. 2001 No. 313

(c) in paragraph (7)(a) after the word “medical” there shall be inserted the word “practitioner”.

Amendment to regulation 5 of the principal Regulations

4. In regulation 5(1) of the principal regulations (Resignations) for “member” there shall be substituted “a member”.

Amendment to regulation 6 of the principal Regulations

5. In regulation 6(1)(a)(ii) of the principal regulations (Termination of tenure of office of chairman and members) for “meetings for a continuous period of 3 months beginning with the date of a meeting” there shall be substituted “three consecutive meetings of the Council”.

Amendments to regulation 10 of the principal Regulations

6. In regulation 10 of the principal Regulations (Disclosure of pecuniary interest and exclusion of chairman and members in proceedings on account of pecuniary interest) –

- (a) in paragraphs (1) and (2) for “another member” in each of those paragraphs there shall be substituted “member”;
- (b) in paragraphs (3), (4) and (6) for “another member” in each of those paragraphs there shall be substituted “a member”.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 12th November 2002.

(L.S.)

Paul Martin

Senior Officer of the Department of Health, Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001 (the principal Regulations) which make provision concerning the membership and procedure of the Northern Ireland Social Care Council (“the Council”) established under Part I of the Health and Personal Social Services Act (Northern Ireland) 2001.

They amend regulation 4 of the principal Regulations to provide that where a person is disqualified for appointment as chairman or as a member of the Council because of dismissal from paid employment with a health service body or a health and social services body this disqualification does not apply where the dismissal was found to have been unfair in industrial proceedings (regulation 3).

They also amend regulation 6 of the principal Regulations to enable the Department to terminate the appointment of the chairman or a member where that person fails, without the consent of the Council, to attend three consecutive meetings of the Council (regulation 5).

The Regulations also correct a number of drafting defects in the principal Regulations.

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