



# Health and Personal Social Services Act (Northern Ireland) 2002

## 2002 CHAPTER 9

An Act to amend the Health and Personal Social Services (Northern Ireland) Order 1972 in relation to charges for nursing care in residential accommodation; to provide for the establishment and functions of the Northern Ireland Practice and Education Council for Nursing and Midwifery; and for connected purposes. [4th October 2002]

### **Charges for nursing care**

1.—(1) In Article 36 of the 1972 Order for paragraph (4) there shall be substituted—

“(4) Subject to the following provisions of this Article, a person for whom accommodation is provided under any such arrangements shall refund to the Department—

- (a) where the payments made in respect of him under paragraph (3) include any amount in respect of nursing care by a registered nurse, the amount of such payments less any amount paid in respect of such nursing care;
- (b) in any other case, the amount of the payments made in respect of him under paragraph (3).

(4A) In paragraph (4) “nursing care by a registered nurse” means any services provided by a nurse registered under Article 5 of the Nursing and Midwifery Order 2001 (SI 2002 / 253) and involving—

- (a) the provision of care, or

(b) the planning, supervision or delegation of the provision of care, other than any services which, having regard to their nature and the circumstances in which they are provided, do not need to be provided by a nurse so registered.” .

(2) In Article 36(5) of the 1972 Order for “paragraph (3)” there shall be substituted “ paragraph (4)(a) or (b) ”.

(3) In Article 99(2) of the 1972 Order at the end there shall be added “ , other than any costs in respect of nursing care by a registered nurse (within the meaning given by Article 36(4A)) at that accommodation ”.

### **The Northern Ireland Practice and Education Council for Nursing and Midwifery**

2.—(1) There shall be a body corporate to be known as the Northern Ireland Practice and Education Council for Nursing and Midwifery (referred to in this Act as “the Council”).

(2) It shall be the duty of the Council to promote—

- (a) high standards of practice among nurses and midwives;
- (b) high standards in the education and training of nurses and midwives; and
- (c) the professional development of nurses and midwives.

(3) Without prejudice to the generality of subsection (2) the Council may—

- (a) provide guidance on best practice for nurses and midwives; and
- (b) provide advice and information on matters relating to nursing and midwifery.

(4) The Council shall, in the exercise of its functions, act—

- (a) in accordance with any directions given to it by the Department; and
- (b) under the general guidance of the Department.

(5) The Schedule shall have effect with respect to the Council.

### **Interpretation**

3.—(1) In this Act—

“the Department” means the Department of Health, Social Services and Public Safety;

“the 1972 Order” means the Health and Personal Social Services (Northern Ireland) Order 1972 (NI 14).

(2) Except where any provision of this Act otherwise provides, any word or expression to which a meaning is assigned by Article 2(2) of the 1972 Order has the same meaning in this Act as in that Order.

### **Commencement**

**4.—**(1) Sections 1 and 2 (with the Schedule) come into operation on such day or days as the Department may by order appoint<sup>F1</sup>.

(2) An order under this section may contain such transitional provisions as the Department considers necessary or appropriate.

<b>F1</b> fully exercised by SR 2002/311
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### **Short title**

**5.** This Act may be cited as the Health and Personal Social Services Act (Northern Ireland) 2002.

## SCHEDULE

Section 2.

THE NORTHERN IRELAND PRACTICE AND EDUCATION  
COUNCIL FOR NURSING AND MIDWIFERY*Status*

1. The Council shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Council's property shall not be regarded as property of, or property held on behalf of, the Crown.

*General powers*

2.—(1) Subject to any directions given by the Department, the Council may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.

(2) That includes, in particular—

- (a) co-operating with other public authorities in the United Kingdom;
- (b) acquiring and disposing of land and other property; and
- (c) entering into contracts.

*General duty*

3. It is the duty of the Council to carry out its functions effectively, efficiently and economically.

*Membership*

4.—(1) The Council shall consist of—

- (a) a chairman appointed by the Department in accordance with regulations under paragraph 5;
- (b) the person for the time being appointed under paragraph 7 to be the chief executive of the Council; and
- (c) other members appointed by the Department in accordance with regulations under paragraph 5.

(2) In the following provisions of this Schedule the members appointed under sub-paragraph (1)(a) and (c) are referred to as non-executive members of the council.

*Appointment, procedure etc.*

5. The Department may by regulations make provision as to—

- (a) the appointment of the non-executive members of the Council (including the number, or limits on the number, of members who may be appointed and any conditions to be fulfilled for appointment);
- (b) the tenure of office of the non-executive members of the Council (including the circumstances in which they cease to hold office or may be removed or suspended from office);
- (c) the appointment of, constitution of and exercise of functions by committees and sub-committees of the Council (including committees and sub-committees which consist of or include persons who are not members of the Council); and
- (d) the procedure of the Council and any committees or sub-committees of the Council (including the validation of proceedings in the event of vacancies or defects in appointment).

*Remuneration and allowances*

6.—(1) The Council may pay to the non-executive members of the Council and to any member of a committee or sub-committee who is not a member of the Council such allowances as the Department may determine.

(2) The Council may pay to its chairman such remuneration as the Department may determine.

(3) If the Department determines that there are special circumstances that make it right for a person ceasing to hold office as chairman of the Council to receive compensation, the Council shall pay to him such compensation as the Department may determine.

(4) Any determination of the Department under this paragraph shall be subject to the approval of the Department of Finance and Personnel.

*Chief executive*

7.—(1) There shall be a chief executive of the Council who shall be responsible to the Council for the general exercise of its functions.

(2) The first chief executive shall be appointed by the Department on such terms and conditions as the Department may determine.

(3) Subject to paragraph 8(3), any chief executive subsequent to the first shall be appointed by the Council on such terms and conditions as the Council may determine.

(4) An appointment under sub-paragraph (3) requires the approval of the Department.