



2001 CHAPTER 3

PART III

HEALTH AND PERSONAL SOCIAL SERVICES – GENERAL

Health and Social Services trusts

Exercise of powers

44.—(1) For Article 10(8) of the 1991 Order (restrictions on exercise of certain powers) there shall be substituted—

“(8) A power conferred by paragraph 14 or 15 of Part II of Schedule 3 may only be exercised—

- (a) to the extent that its exercise does not to any significant extent interfere with the performance by the HSS trust of its functions or of its obligations under HSS contracts; and
- (b) in circumstances specified in directions under paragraph 6 of that Schedule, with the consent of the Department.”.

(2) In Schedule 3 to the 1991 Order (HSS trusts) for paragraph 6 there shall be substituted—

“**6.—**(1) An HSS trust shall carry out effectively, efficiently and economically the functions for the time being conferred on it by an order under Article 10(1) and by the provisions of this Schedule.

(2) An HSS trust shall comply with any directions given to it by the Department about the exercise of the trust’s functions.

(3) Any directions under this paragraph with respect to—

- (a) the power conferred on an HSS trust by paragraph 1 of Schedule 4; or
- (b) the maximum amount which an HSS trust may invest in any investments or class of investments,

may be given only with the consent of the Department of Finance and Personnel.”.

(3) Paragraph 16 of that Schedule (general powers of HSS trusts) shall be renumbered as sub-paragraph (1) of that paragraph, and

- (a) in that sub-paragraph head (d) (general power to employ staff) shall cease to have effect; and
- (b) after that sub-paragraph there shall be added —

“(2) An HSS trust may employ such staff at it thinks fit.

(3) Subject to any directions given by the Department under paragraph 6, an HSS trust may—

- (a) pay its staff such remuneration and allowances; and
- (b) employ them on such other terms and conditions,

as it thinks fit.”.