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STATUTORY INSTRUMENTS

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**1991 No. 194**

**The Health and Personal Social  
Services(Northern Ireland) Order 1991**

Financial provisions

**Schemes for meeting losses and liabilities, etc., of certain health and social services bodies**

**24.**—(1) The Department may by regulations made with the consent of the Department of Finance and Personnel establish a scheme whereby any of the bodies mentioned in paragraph (2) may make provision to meet—

- (a) expenses arising from any loss of or damage to their property; and
- (b) liabilities to third parties for loss, damage or injury arising out of the carrying out of the functions of the bodies concerned.

(2) The bodies referred to in paragraph (1) are—

- (a) Health and Social Services Boards;
- (b) the Agency;
- (c) special agencies; and
- (d) HSS trusts; but a scheme under this Article may limit the class or description of bodies which are eligible to participate in it.

(3) Without prejudice to the generality of the power conferred by paragraph (1), a scheme under this Article may—

- (a) provide for the scheme to be administered by the Department or by a body specified in the scheme (being a body mentioned in paragraph (2));
- (b) require any body which participates in the scheme to make payments in accordance with the scheme; and
- (c) provide for the making of payments for the purposes of the scheme by the Department.

(4) Without prejudice to any other power of direction conferred on the Department,—

- (a) if the Department so directs, a body which is eligible to participate in a scheme shall do so; and
- (b) where a scheme provides for it to be administered by the Department, a body mentioned in paragraph (2) shall carry out such functions in connection with the administration of the scheme by the Department as the Department may direct.

(5) Neither the Department nor any body administering a scheme under this Article shall, by virtue of their activities under the scheme, be regarded as carrying on insurance business for the purposes of the Insurance Companies Act 1982<sup>(1)</sup>.