
STATUTORY INSTRUMENTS

1991 No. 194

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

Provision of goods and services

Primary and other functions of Health and Social Services Boards and special agencies

9.—(1) Nothing in the principal Order or this Order affects the power of a Health and Social Services Board or a special agency at any time to provide goods or services under the principal Order for the benefit of an individual where—

- (a) the provision of those goods or services is neither within the primary functions of the Health and Social Services Board or special agency nor carried out pursuant to an HSS contract; but
- (b) the condition of the individual is such that he needs those goods or services and, having regard to his condition, it is not practicable before providing them to enter into an HSS contract for their provision.

(2) In any case where—

- (a) a Health and Social Services Board or a special agency provides goods or services for the benefit of an individual as mentioned in paragraph (1); and
- (b) the provision of those goods or services—
 - (i) is within the primary functions of another Health and Social Services Board or special agency or of a health authority within the meaning of the National Health Service Act 1977(1); or
 - (ii) is a function of a Health Board, within the meaning of the National Health Service (Scotland) Act 1978, the Health and Social Services Board or special agency providing the goods or services shall be remunerated in respect of that provision by that other Health and Social Services Board, special agency, health authority or Health Board.

(3) The rate of any remuneration payable by virtue of paragraph (2) shall be calculated in such manner or on such basis as may be determined by the Department.

(4) In any case where—

- (a) a Health and Social Services Board or special agency provides goods or services for the benefit of an individual; and
- (b) the provision of those goods and services is not pursuant to an HSS contract; and
- (c) the individual is resident outside the United Kingdom and is of a description (being a description associating the individual with another country) specified for the purposes of this paragraph by a direction made by the Department, the Health and Social Services Board or special agency shall be remunerated by the Department in respect of the provision of the goods or services at such rate or rates as the Department considers appropriate.

(5) In this Article—

- (a) any reference to the primary functions of a Health and Social Services Board is a reference to those functions specified as such in directions given to the Board under Article 17 of the principal Order;
- (b) any reference to the primary functions of a special agency is a reference to those functions specified as such in directions given to the agency under Article 4 of the Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990⁽²⁾; and
- (c) any reference to the primary functions of a health authority within the meaning of the National Health Service Act 1977⁽³⁾ shall be construed in accordance with section 3(1) of the National Health Service and Community Care Act 1990⁽⁴⁾.

⁽²⁾ 1990 NI 3
⁽³⁾ 1977 c. 49
⁽⁴⁾ 1990 c. 19