

SCHEDULES

SCHEDULE 3

PART III

SUPPLEMENTARY PROVISIONS

Re-imburement for health and personal social services work carried out otherwise than under HSS contract

19.—(1) In any case where an HSS trust provides goods or services for the benefit of an individual and—

- (a) the provision of those goods or services is not pursuant to an HSS contract, and
- (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, and
- (c) the provision of those goods or services—
 - (i) is within the primary functions (as defined in Article 9(5)) of a 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⁽²⁾, the trust shall be remunerated by that Health and Social Services Board, special agency, health authority or Health Board in respect of the provision of the goods or services in question.

(2) The rate of any remuneration payable by virtue of sub-paragraph (1) shall be calculated in such manner or on such basis as may be determined by the Department.

20. In any case where an HSS trust provides goods or services for the benefit of an individual and—

- (a) the provision of those goods or services is not pursuant to an HSS contract, and
- (b) 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 trust shall be remunerated by the Department in respect of the provision of the goods or services in question at such rate or rates as the Department considers appropriate.

Compulsory acquisition

21.—(1) An HSS trust may, for the purposes of its functions, acquire land compulsorily.

(1) 1977 c. 49

(2) 1978 c. 29

Status: This is the original version (as it was originally made).

(2) Where an HSS trust desires to acquire land compulsorily it may apply to the Department for an order (in this paragraph referred to as a “vesting order”) vesting the land in the HSS trust and the Department may make a vesting order.

(3) Schedule 6 to the Local Government (Northern Ireland) Act 1972⁽³⁾ shall, subject to the modifications specified in sub-paragraph (6), apply for the purposes of the acquisition of land by means of a vesting order made under this paragraph in the same manner as it applies to the acquisition of land by means of a vesting order made under that Act.

(4) The power to make a vesting order under this paragraph in respect of land—

- (a) which is the property of any public body which has power under any transferred provision to acquire land compulsorily; or
- (b) which is declared by or under any transferred provision to be inalienable; shall not, where representations objecting to the proposal for making the order have been duly made by the owner of the land and have not been withdrawn, be exercised in relation to that land unless the proposal has been approved by a resolution of the Assembly.

(5) Nothing in this paragraph shall authorise the acquisition, without the consent of the Department of the Environment, of any land on or in which there is to the knowledge of the Department any historic monument or archaeological object within the meaning of the Historic Monuments Act (Northern Ireland) 1971⁽⁴⁾.

(6) The modifications of Schedule 6 to the Local Government (Northern Ireland) Act 1972⁽⁵⁾ referred to in sub-paragraph (3) are the following—

- (a) for any reference to a council or the council or the clerk of the council there shall be substituted a reference to an HSS trust or the HSS trust or the chief officer of the HSS trust respectively;
- (b) for any reference to the Ministry concerned there shall be substituted a reference to the Department;
- (c) for any reference to that Act there shall be substituted a reference to this Order;
- (d) any references to that Schedule shall be construed as references to that Schedule as modified by this sub-paragraph;
- (e) for any reference to a matter prescribed by regulations made by the Department of the Environment there shall be substituted a reference to a matter prescribed by regulations made by the Department of Health and Social Services;
- (f) in paragraphs 2(c) and 5(2) for the words “as may be prescribed” there shall be substituted the words “as appear to the HSS trust to have an interest in the matter”;
- (g) paragraph 19 shall be omitted.

(7) Where an HSS trust proposes to acquire land compulsorily under this paragraph, a person authorised in writing by the HSS trust may, on production if required of his credentials, at any reasonable time enter that land for the purpose of survey, valuation or examination.

(8) Paragraphs (2) to (8) of Article 49 of the principal Order shall apply in relation to the exercise of the power conferred by sub-paragraph (7) as it applies to the exercise of the power conferred by paragraph (1) of that Article; and in those paragraphs as so applied—

- (a) any reference to an authorised person shall be construed as a reference to a person authorised under sub-paragraph (7); and
- (b) any reference to the Department shall be construed as a reference to the HSS trust.

(3) 1972 c. 9 (N.I.)
(4) 1971 c. 17 (N.I.)
(5) 1972 c. 9 (N.I.)

Instruments, etc.

22. The fixing of the seal of an HSS trust shall be authenticated by the signature of the chairman or of some other person authorised either generally or specially by the trust for that purpose and of one other director.