
STATUTORY INSTRUMENTS

1997 No. 2597

**The Health and Personal Social Services
(Private Finance) (Northern Ireland) Order 1997**

Powers of [^{F1}Health and Social Care trusts] to enter into agreements

3.—(1) The powers of a [^{F2}Health and Social Care trust] include power to enter into externally financed development agreements.

(2) For the purposes of this Article, an agreement is an externally financed development agreement if it is certified as such in writing by the Department.

(3) The Department may give a certificate under this Article if—

- (a) in its opinion the purpose or main purpose of the agreement is the provision of facilities in connection with the discharge by the trust of any of its functions; and
- (b) a person proposes to make a loan to, or provide any other form of finance for, another party in connection with the agreement.

(4) If a [^{F2}Health and Social Care trust] enters into an externally financed development agreement it may also, in connection with that agreement, enter into an agreement with a person who falls within paragraph (3)(b) in relation to the externally financed development agreement.

(5) In paragraph (3)—

“another party” means any party to the agreement other than the trust; and

“facilities” includes—

- (a) works, buildings, plant, equipment or other property; and
- (b) services.

(6) The fact that an agreement made by a [^{F2}Health and Social Care trust] has not been certified under this Article does not affect its validity.

F1 Words in art. 3 heading substituted (1.4.2009) by virtue of [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(c\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)

F2 Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(c\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)

Changes to legislation:

There are currently no known outstanding effects for the The Health and Personal Social Services (Private Finance) (Northern Ireland) Order 1997, Section 3.