
STATUTORY INSTRUMENTS

1997 No. 2597 (N.I.17)

NORTHERN IRELAND

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

<i>Made</i>	- - - -	<i>30th October 1997</i>
<i>Laid before Parliament</i>		<i>4th November 1997</i>
<i>Coming into operation</i>		<i>13th November 1997</i>

At the Court at Buckingham Palace, the 30th day of October 1997

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to those of section 1 of the National Health Service (Private Finance) Act 1997:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (as modified by section 2 of the said Act of 1997) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1. This Order may be cited as the Health and Personal Social Services (Private Finance) (Northern Ireland) Order 1997 and shall come into operation on the expiration of 14 days from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order “the Department” means the Department of Health and Social Services.

Powers of Health and Social Services trusts to enter into agreements

3.—(1) The powers of a Health and Social Services 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 Health and Social Services 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 Health and Social Services trust has not been certified under this Article does not affect its validity.

N.H. Nicholls
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made only for purposes corresponding to those of section 1 of the National Health Service (Private Finance) Act 1997. The Order provides that the powers of a Health and Social Services trust include power to enter into agreements which are certified by the Department of Health and Social Services as externally financed development agreements and specifies the circumstances in which the Department may give a certificate to that effect.