

1995 No. 423

HEALTH AND PERSONAL SOCIAL SERVICES**The Foyle Health and Social Services Trust (Establishment)
Order (Northern Ireland) 1995**

Made 8th November 1995

Coming into operation 9th November 1995

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 10(1) of, and paragraphs 1, 3, 3A, 4, 5 and 6(2)(d) of Schedule 3 to, the Health and Personal Social Services (Northern Ireland) Order 1991(a) and of all other powers enabling it in that behalf, having consulted the persons or bodies referred to in Article 10(2) of that Order, hereby makes the following order:

Citation, commencement and interpretation

1.—(1) This order may be cited as the Foyle Health and Social Services Trust (Establishment) Order (Northern Ireland) 1995 and shall come into operation on 9th November 1995.

(2) In this order—

“the Order” means the Health and Personal Social Services (Northern Ireland) Order 1991;

“establishment date” means 9th November 1995;

“operational area” has the meaning assigned to it by paragraph 3A of Schedule 3 to the Order;

“operational date” has the meaning assigned to it by paragraph 3(1)(e) of Schedule 3 to the Order;

“relevant functions” has the meaning assigned to it by Article 3(2) of the Health and Personal Social Services (Northern Ireland) Order 1994(b);

“the trust” means the Foyle Health and Social Services Trust established by Article 2.

Establishment of the trust

2. There is hereby established an HSS trust which shall be called the Foyle Health and Social Services Trust.

(a) S.I. 1991/194 (N.I. 1); Article 10(1) was amended, and paragraph 3A of Schedule 3 was inserted, by S.I. 1994/429 (N.I. 2); paragraph 1 of Schedule 3 is cited for the definition of “an order”

(b) S.I. 1994/429 (N.I. 2); the relevant functions are specified in S.R. 1994 No. 64

Nature and functions of the trust

3.—(1) The trust is established for the purposes specified in Article 10(1) of the Order.

(2) The trust's functions (which include functions which the Department considers appropriate in relation to the provision of services by the trust for one or more relevant bodies) shall be—

- (a) to own and manage hospital accommodation and services provided at Waterside Hospital, 16 Gransha Park, Londonderry BT47 1WH, Gransha Hospital, Clooney Road, Londonderry BT47 1TF, Stradreagh Hospital, Clooney Road, Londonderry BT47 1TF and associated premises;
- (b) to manage community-based health and personal social services provided from Foyle Unit, Riverview House, Abercorn Road, Londonderry BT48 6SA and to own those and any associated premises; and
- (c) to exercise, on behalf of Health and Social Services Boards, such relevant functions as are so exercisable by the trust by virtue of authorisations for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994.

Operational area of the trust

4. The operational area of the trust shall be—

- (a) for the purposes of the statutory provisions specified in Part I of the Schedule, the local government districts of Derry, Limavady and the following wards in the local government district of Strabane, that is to say Sion Mills, Finn (part of), Victoria Bridge (part of), Artigarvan, Dunnamanagh, Slievekirk, Strabane North, Strabane South, Strabane East and Strabane West;
- (b) for the purposes of the statutory provisions specified in Part II of the Schedule, Northern Ireland.

Directors of the trust

5. The trust shall have, in addition to the chairman, 5 non-executive directors and 5 executive directors.

Operational date of the trust

6. The operational date of the trust shall be 1st April 1996.

Limited functions before operational date

7. Between its establishment and operational date, the trust shall have the limited functions of—

- (a) entering into HSS contracts;
- (b) entering into other contracts including contracts of employment; and
- (c) doing such other things as are reasonably necessary,

for the purpose of enabling it to begin to operate satisfactorily with effect from its operational date.

Assistance by a relevant body before operational date

8.—(1) The Western Health and Social Services Board shall—

- (a) until the operational date make such staff and facilities available to the trust as are required to enable the trust to carry out its limited functions pending the transfer or appointment of staff to or by the trust and the transfer of facilities to the trust;
- (b) make available such premises as are required to enable the trust to carry out its limited functions pending the transfer of those premises to the trust.

(2) The Western Health and Social Services Board shall discharge the liabilities of the trust, incurred between the establishment date and the operational date, that are of a description specified in paragraph (3).

(3) The liabilities referred to in paragraph (2) are—

- (a) liability for the remuneration and travelling or other allowances of the chairman and non-executive directors of the trust;
- (b) liability for the travelling or other allowances of the members of committees and sub-committees of the trust who are not also directors of the trust;
- (c) liability for the remuneration of persons employed by the trust; and
- (d) liability for the remuneration of persons employed by the trust for the purpose of enabling it to begin to operate satisfactorily with effect from the operational date.

(4) The relevant body specified for the purposes of paragraph 3(1)(f) of Schedule 3 to the Order (relevant body which is to make the scheme under Article 11 of the Order for the transfer of staff) in relation to the trust shall be the Western Health and Social Services Board.

Restriction on disposal of assets

9. The sum specified for the purposes of paragraph 6(2)(d) of Schedule 3 to the Order (maximum value of freely disposable assets) in relation to the trust shall be £500,000.

Sealed with the Official Seal of the Department of Health and Social Services on 8th November 1995.

(L.S.)

John McGrath

Assistant Secretary

SCHEDULE

Operational Area

PART I

<i>Statutory Provision</i>	<i>Relevant Function</i>
Children and Young Persons Act (Northern Ireland) 1968(a)	All relevant functions
Health and Personal Social Services (Northern Ireland) Order 1972(b)	All relevant functions
Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(c)	All relevant functions
Matrimonial Causes (Northern Ireland) Order 1978(d)	All relevant functions
Domestic Proceedings (Northern Ireland) Order 1980(e)	All relevant functions
Mental Health (Northern Ireland) Order 1986(f)	All relevant functions
Adoption (Northern Ireland) Order 1987(g)	All relevant functions
Disabled Persons (Northern Ireland) Act 1989(h)	All relevant functions

- (a) 1968 c. 34 (N.I.)
- (b) S.I. 1972/1265 (N.I. 14)
- (c) 1978 c. 53
- (d) S.I. 1978/1045 (N.I. 15)
- (e) S.I. 1980/563 (N.I. 5)
- (f) S.I. 1986/595 (N.I. 4)
- (g) S.I. 1987/2203 (N.I. 22)
- (h) 1989 c. 10

PART II

<i>Statutory Provision</i>	<i>Relevant Function</i>
Children and Young Persons Act (Northern Ireland) 1968	Relevant functions under Part VII and sections 82, 94(2), 99, 105(3), 142, 144(1) and (2), 145, 152, 154 to 159, 163(2) and 164
Health and Personal Social Services (Northern Ireland) Order 1972	Relevant functions under Articles 14A, 15, 36, 36A, 38(3) and (4), 99, 101, 101A and paragraphs 8 and 9 of Schedule 6
Chronically Sick and Disabled Persons (Northern Ireland) Act 1978	Relevant functions under section 2(c), (d) and (f)
Mental Health (Northern Ireland) Order 1986	Relevant functions under Articles 8(1), 15(3), 22(1), 28(1) and (5), 29(1) and (2), 42(4), 43(3), 44(5), 45(3), 79(3), 129(1) and (2), 131 and 132
Adoption (Northern Ireland) Order 1987	Relevant functions under Articles 11(1), 13(3)(a), 24, 31, 32, 59(4) and 66

EXPLANATORY NOTE

(This note is not part of the Order.)

This order establishes the Foyle Health and Social Services Trust, an HSS trust provided for in Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991.

The order provides for the functions of the trust both before (Article 7) and after (Article 3) its operational date (the date on which it assumes all its functions). The functions include the exercise of relevant statutory functions which may be delegated to the trust by Health and Social Services Boards by virtue of authorisations made under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994. Article 4 and the Schedule specify the operational areas within which the trust may exercise the delegated functions.

The order also specifies the operational date of the trust (Article 6) and makes provision for assistance to the trust by the Western Health and Social Services Board before its operational date (Article 8). Article 9 specifies £500,000 as the maximum value of freely disposable assets.