

## SCHEDULES

### SCHEDULE 3

#### PART II

#### DUTIES, POWERS AND STATUS

##### **Specific duties**

**6.—(1)** An HSS trust shall carry out effectively, efficiently and economically the functions for the time being conferred on it by an order under Article 10(1) and by the provisions of this Schedule and, with respect to the exercise of the powers conferred by Article 10(9) and paragraphs 10 to 15 below, shall comply with any directions given to it by the Department, whether of a general or a particular nature.

(2) An HSS trust shall comply with any directions given to it by the Department with respect to all or any of the following matters—

- (a) the qualifications of persons who may be employed as officers of the trust;
- (b) the employment, for the purpose of performing functions specified in the direction, of officers having qualifications or experience of a description so specified;
- (c) the manner in which officers of the trust are to be appointed;
- (d) prohibiting or restricting the disposal of, or of any interest in, any asset which, at the time the direction is given, the Department reasonably considers to have a value in excess of such sum as may be specified in an order under Article 10(1) and in respect of which the Department considers that the interests of the health and personal social services require that the asset should not be disposed of;
- (e) compliance with guidance or directions given (by circular or otherwise) to a relevant body; and
- (f) the implementation of awards relating to the distinction or merit of medical practitioners or dental practitioners or any class or classes of such practitioners.

**7.—(1)** For each financial year an HSS trust shall prepare and send to the Department an annual report in such form as may be determined by the Department.

(2) At such time or times as may be prescribed, an HSS trust shall hold a public meeting at which its audited accounts and annual report shall be presented.

(3) In such circumstances and at such time or times as may be prescribed, an HSS trust shall hold a public meeting at which such documents as may be prescribed shall be presented.

**8.** An HSS trust shall furnish to the Department such reports, returns and other information, including information as to its forward planning, as, and in such form as, the Department may require.

**9.—(1)** An HSS trust shall be liable to pay—

*Status: This is the original version (as it was originally made).*

- (a) to the chairman and any non-executive director of the trust remuneration of an amount determined by the Department, not exceeding such amount as may be approved by the Department of Finance and Personnel;
  - (b) to the chairman and any non-executive director of the trust such travelling and other allowances as may be determined by the Department with the approval of the Department of Finance and Personnel;
  - (c) to any member of a committee or sub-committee of the trust who is not also a director such travelling and other allowances as may be so determined.
- (2) If an HSS trust so determines in the case of a person who is or has been a chairman of the trust, the trust shall be liable to pay such pension, allowances or gratuities to or in respect of him as may be determined by the Department with the approval of the Department of Finance and Personnel.
- (3) Different determinations may be made under sub-paragraph (1) or sub-paragraph (2) in relation to different cases or descriptions of cases.

### **Specific powers**

- 10.** In addition to carrying out its other functions, an HSS trust may enter into HSS contracts.
- 11.** An HSS trust may undertake and commission research and make available staff and provide facilities for research by other persons.
- 12.** An HSS trust may—
- (a) provide training for persons employed or likely to be employed by the trust or otherwise in the provision of services under the principal Order; and
  - (b) make facilities and staff available in connection with training by a university or any other body providing training in connection with the health and personal social services.
- 13.** An HSS trust may enter into arrangements for the carrying out, on such terms as seem to the trust to be appropriate, of any of its functions jointly with any relevant body, with another HSS trust or with any other body or individual.
- 14.** According to the nature of its functions, an HSS trust may make accommodation or services or both available for persons who give undertakings (or for whom undertakings are given) to pay, in respect of the accommodation or services (or both), such charges as the trust may determine.
- 15.** For the purpose of making additional income available in order better to perform its functions, an HSS trust shall have the powers specified in Article 3(2) of the Health and Medicines (Northern Ireland) Order 1988(1) (extension of powers of the Department for financing health services).

### **General powers**

- 16.** Subject to Schedule 4, an HSS trust shall have power to do anything which appears to it to be necessary or expedient for the purpose of or in connection with the discharge of its functions, including in particular power—
- (a) to acquire and dispose of land and other property;
  - (b) to enter into such contracts as seem to the trust to be appropriate;
  - (c) to accept gifts of money, land or other property, including money, land or other property to be held on trust for the general or any specific purposes of the HSS trust (including the purposes of any specific hospital or other establishment or facility which is owned and managed by the trust);

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(1) [1988 NI 24](#)

(d) to employ staff on such terms as the trust thinks fit.

**17.—(1)** Without prejudice to the generality of paragraph 16, to or in respect of such of its employees as it may determine, an HSS trust may make such arrangements for providing pensions, allowances or gratuities as it may determine; and such arrangements may include the establishment and administration, by the trust or otherwise, of one or more pension schemes.

(2) The reference in sub-paragraph (1) to pensions, allowances or gratuities to or in respect of employees of an HSS trust includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any of the trust's employees who suffer loss of office or employment or loss or diminution of emoluments.

### **Status**

**18.** An HSS trust shall not be regarded as the servant or agent of the Crown or, except as provided by this Order or the Health and Personal Social Services (Northern Ireland Consequential Amendments) Order 1991<sup>(2)</sup>, as enjoying any status, immunity or privilege of the Crown; and an HSS trust's property shall not be regarded as property of, or property held on behalf of, the Crown.

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(2) S.I.1991/195