



2009 CHAPTER 1

The Regional Board

Power of Regional Board to give directions and guidance to HSC trusts

10.—(1) The Regional Board may give directions of a general or specific nature to an HSC trust as to the carrying out by that trust of any of its functions.

(2) The Regional Board may give guidance to an HSC trust as to the carrying out by that trust of any of its functions.

(3) The Regional Board must—

- (a) consult the HSC trust concerned, and
- (b) obtain the approval of the Department,

before giving any directions under subsection (1).

(4) Where the Regional Board is of the opinion that because of the urgency of the matter it is necessary to give directions under subsection (1) without consulting the HSC trust concerned—

- (a) subsection (3)(a) does not apply; but
- (b) the Regional Board must as soon as reasonably practicable give notice to the HSC trust concerned of the grounds on which the Regional Board formed that opinion.

(5) The Regional Board must not give any direction under subsection (1) or any guidance under subsection (2) that would be inconsistent with—

- (a) the framework document; or
- (b) any direction given to the HSC trust by the Department under paragraph 6 of Schedule 3 to the [Health and Personal Social Services \(Northern Ireland\) Order 1991 \(NI 1\)](#).

(6) It is the duty of an HSC trust—

(a) to comply with any directions given to it under subsection (1);

(b) to have regard to any guidance given to it under subsection (2).

(7) The Department may by regulations provide that this section is to apply, subject to such modifications as may be prescribed, in relation to any prescribed body exercising on behalf of the Regional Board such functions as may be prescribed.