
STATUTORY INSTRUMENTS

1991 No. 194

**The Health and Personal Social
Services(Northern Ireland) Order 1991**

Health and Social Services trusts

Health and Social Services trusts

10.—(1) Subject to paragraph (2), the Department may by order establish bodies, to be known as Health and Social Services trusts (in this Order referred to as HSS trusts),—

- (a) to assume responsibility, in accordance with this Order, for the ownership and management of hospitals or other establishments or facilities which were previously managed or provided by a relevant body; or
- (b) to provide and manage hospitals or other establishments or facilities.

(2) In any case where the Department is considering whether to make an order under paragraph (1) establishing an HSS trust, it shall consult the Health and Social Services Council for the area in which the hospital, establishment or other facility concerned is, or is to be, situated and such other persons and bodies as it considers appropriate.

(3) In this Article, Articles 11 to 13 and Schedule 3 “a relevant body” means—

- (a) a Health and Social Services Board;
- (b) the Agency; or
- (c) a special agency.

(4) Every HSS trust—

- (a) shall be a body corporate having a board of directors consisting of a chairman appointed by the Department and, subject to paragraph 5(2) of Schedule 3, executive and non-executive directors (that is to say, directors who, subject to paragraph (6), respectively are and are not employees of the trust);
- (b) shall have the functions conferred on it by an order under paragraph (1) and by Schedule 3; and
- (c) shall be a body to which section 19 of the Interpretation Act (Northern Ireland) 1954(1) applies.

(5) The functions specified in an order under paragraph (1) shall include such functions as the Department considers appropriate in relation to the provision of services by the trust for a relevant body.

(6) The Department may by regulations make general provision with respect to—

- (a) the qualifications for and the tenure of office of the chairman and directors of an HSS trust (including the circumstances in which they shall cease to hold, or may be removed from, office or may be suspended from performing the functions of the office);

- (b) the persons by whom the directors and any of the officers are to be appointed and the manner of their appointment;
 - (c) the maximum and minimum numbers of the directors;
 - (d) the circumstances in which a person who is not an employee of the trust is nevertheless, on appointment as a director, to be regarded as an executive rather than a non-executive director;
 - (e) the proceedings of the trust (including the validation of proceedings in the event of a vacancy or defect in appointment); and
 - (f) the appointment, constitution and exercise of functions by committees and sub-committees of the trust (whether or not consisting of or including any members of the board); and, without prejudice to the generality of the power, any such regulations may make provision to deal with cases where the post of any officer of an HSS trust is held jointly by two or more persons or where the functions of such an officer are in any other way performed by more than one person.
- (7) Part I of Schedule 3 shall have effect with respect to orders under paragraph (1); Part II of that Schedule shall have effect, subject to paragraph (8), with respect to the general duties and the powers and status of HSS trusts; the supplementary provisions of Part III of that Schedule shall have effect; and Part IV of that Schedule shall have effect with respect to the dissolution of HSS trusts.
- (8) The specific powers conferred by paragraphs 14 and 15 in Part II of Schedule 3 may be exercised only to the extent that—
- (a) the exercise will not interfere with the duties of the trust to comply with directions under paragraph 6 of that Schedule; and
 - (b) the exercise will not to any significant extent interfere with the performance by the trust of its obligations under any HSS contract or any obligations imposed by an order under paragraph (1).
- (9) The Department may by order confer on HSS trusts specific powers additional to those contained in paragraphs 10 to 15 of Schedule 3.