
STATUTORY INSTRUMENTS

1991 No. 194

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

Health and Social Services trusts

Trust funds and trustees for HSS trusts

16.—(1) The Department may by order provide for the appointment of trustees for an HSS trust; and any trustees so appointed shall have power to accept, hold and administer any property 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).

(2) An order under paragraph (1) may—

- (a) make provision as to the persons by whom trustees are to be appointed and generally as to the method of their appointment;
- (b) make any appointment subject to such conditions as may be specified in the order (including conditions requiring the consent of the Department);
- (c) make provision as to the number of trustees to be appointed, including provision under which that number may from time to time be determined by the Department after consultation with such persons as it considers appropriate; and
- (d) make provision with respect to the term of office of any trustee and his removal from office.

(3) Where, under paragraph (1), trustees have been appointed for an HSS trust—

- (a) the Department may by order transfer or provide for the transfer of endowments or other property held on trust from the HSS trust to the trustees so appointed; and
- (b) an order under Article 13 may transfer or provide for the transfer of endowments or other property held on trust by a Health and Social Services Board to the trustees for an HSS trust and,

accordingly, in relation to such endowments or other property, references in Article 13 to an HSS trust shall be construed as including references to the trustees for that trust.

(4) Paragraphs (4), (5) and (8) of Article 13 apply, with appropriate modifications, in relation to an order under paragraph (3)(a) as they apply in relation to an order under that Article.

(5) Subject to paragraphs (6) to (8) and to any provision made by an order under Article 13, the transfer under Article 13 or paragraph (3)(a) of any property held on trust shall not affect the trusts on which the property is held.

(6) Any discretion given by a trust instrument to the trustees of property transferred under Article 13 or paragraph (3)(a) shall be exercisable by the body to which or persons to whom the property is so transferred.

(7) Where—

- (a) Schedule 14 to the principal Order applies to an endowment held by a Health and Social Services Board; and
- (b) that endowment is transferred—

- (i) to an HSS trust or the trustees for an HSS trust under Article 13; or
- (ii) to the trustees for an HSS trust under paragraph (3)(a), having previously been transferred to the HSS trust under Article 13,

the said Schedule 14 shall apply to the use of that endowment by the HSS trust or, as the case may be, the trustees for the HSS trust as it applied to the use thereof by the Health and Social Services Board.

(8) Where—

- (a) Article 81 of the principal Order applies to any property held by a Health and Social Services Board; and

- (b) that property is transferred—

- (i) to an HSS trust or the trustees for an HSS trust under Article 13; or
- (ii) to the trustees for an HSS trust under paragraph (3)(a), having previously been transferred to the HSS trust under Article 13,

the said Article 81 shall apply to the administration of that property by the HSS trust or, as the case may be, the trustees for the HSS trust as it applied to the administration thereof by the Health and Social Services Board.

(9) References in this Article—

- (a) to property include references to the rights and liabilities arising from property;
- (b) to endowments and property held on trust include references to the income and accumulated income thereof.