
STATUTORY INSTRUMENTS

1991 No. 194

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

Financial provisions

Power of Boards, special agencies and HSS trusts to raise funds by appeals, collections, etc.

23.—(1) The Department may by regulations confer power on Health and Social Services Boards, special agencies and HSS trusts (in this Article referred to as “relevant bodies”) to engage in activities to which this Article applies, but before making any regulations under this Article the Department shall consult the relevant bodies and such other bodies as the Department thinks fit.

(2) This Article applies to activities intended to stimulate the giving (whether on trust or otherwise) of money or other property to assist the relevant bodies in providing or improving any services or any facilities or accommodation which is or are or is or are to be provided as part of the health and personal social services or to assist the relevant bodies in connection with their functions with respect to research, including, subject to paragraph (3),—

- (a) public appeals or collections and competitions, entertainments, bazaars, sales of produce or other goods and other similar activities; and
- (b) activities involving the use of land, premises or other property held by or for the benefit of the relevant bodies, subject however to any restriction on the purposes for which trust property may be used.

(3) Regulations under this Article may provide that this Article shall not apply to activities of a prescribed description.

(4) Subject to paragraphs (5) to (8), the relevant body at whose instance property is given in pursuance of this Article shall, after defraying out of it any expenses incurred in obtaining it, hold, administer and apply the property on trust for the purpose for which it was given.

(5) Where property is given in pursuance of this Article on trust for any purposes of an HSS trust for which trustees have been appointed under Article 16(1), then, if those trustees and the HSS trust agree, the property may be held, administered and applied by those trustees instead of by the HSS trust; and references in paragraphs (6) to (8) to a relevant body accordingly include references to trustees for an HSS trust.

(6) Where property held by a relevant body under this Article is more than sufficient to enable the purpose for which it was given to be fulfilled, the excess shall be applicable, in default of any provision for its application made by the trust or other instrument under or in accordance with which the property comprising the excess was given, for such purposes connected with any of the functions of the relevant body as the relevant body thinks fit.

(7) Where property held by a relevant body under this Article is insufficient to enable the purpose for which it was given to be fulfilled then—

- (a) the relevant body may apply so much of the capital or income at its disposal as is needed to enable the purpose to be fulfilled subject, however, in the case of trust property, to any restrictions on the purposes for which the trust property may be applied, and in the case

of money paid or payable by the Department under Article 87(1) of the principal Order, to any directions it may give; but

- (b) where the capital or income applicable under sub-paragraph (a) is insufficient or is not applied to enable the purpose to be fulfilled, the property so held by the relevant body shall be applicable, in default of any provision for its application made by the trust or other instrument under or in accordance with which the property was given, for such purposes connected with any of the functions of the relevant body as the relevant body thinks fit.

(8) Where under paragraph (6) or (7) property becomes applicable for purposes other than that for which it was given, the relevant body shall have regard to the desirability of applying the property for a purpose similar to that for which it was given.