

## SCHEDULES

### SCHEDULE 3

#### [<sup>F1</sup>HEALTH AND SOCIAL CARE TRUSTS]

**F1** Words in Order substituted (1.4.2009) by virtue of [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(c\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)

### PART II

#### DUTIES, POWERS AND STATUS

##### [<sup>F1</sup>Specific duties

**6.**—(1) An [<sup>F2</sup>HSC 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.

(2) An [<sup>F2</sup>HSC trust] shall comply with any directions given to it by the Department about the exercise of the trust's functions.

(3) Any directions under this paragraph with respect to—

(a) the power conferred on an [<sup>F2</sup>HSC trust] by paragraph 1 of Schedule 4; or

(b) the maximum amount which an [<sup>F2</sup>HSC trust] may invest in any investments or class of investments,

may be given only with the consent of the Department of Finance and Personnel.]

**F1** [2001 c. 3 \(NI\)](#)

**F2** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(d\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)

[<sup>F3</sup>**6A.**—(1) An HSC trust shall record such information with respect to the exercise of its functions as the Regional Board may direct.

(2) Information shall be recorded in such form, and retained for such period, as the Regional Board may direct.

(3) An HSC trust shall furnish to the Regional Board such reports, returns and other information as the Regional Board may require.

(4) In sub-paragraph (3) the reference to reports, returns and other information includes any report, return or other information that an HSC trust is required to provide to the Department under paragraph 7 or 8.]

**F3** [Sch. 3 para. 6A](#) inserted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 11\(2\), 34\(3\)](#); S.R. 2009/114, [art. 2](#)

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7.—(1) For each financial year an [<sup>F4</sup>HSC 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 [<sup>F4</sup>HSC 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 [<sup>F4</sup>HSC trust] shall hold a public meeting at which such documents as may be prescribed shall be presented.

**F4** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), ss. 32, 34(3), [Sch. 6 para. 1\(1\)\(d\)](#) (with [Sch. 6 para. 1\(3\)](#)); S.R. 2009/114, [art. 2](#)

8. An [<sup>F5</sup>HSC 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.

**F5** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), ss. 32, 34(3), [Sch. 6 para. 1\(1\)\(d\)](#) (with [Sch. 6 para. 1\(3\)](#)); S.R. 2009/114, [art. 2](#)

9.—(1) An [<sup>F6</sup>HSC trust] shall be liable to pay—

- (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 [<sup>F6</sup>HSC 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.

**F6** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), ss. 32, 34(3), [Sch. 6 para. 1\(1\)\(d\)](#) (with [Sch. 6 para. 1\(3\)](#)); S.R. 2009/114, [art. 2](#)

### Specific powers

10. In addition to carrying out its other functions, an [<sup>F7</sup>HSC trust] may enter into [<sup>F8</sup>HSC contracts].

**F7** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), ss. 32, 34(3), [Sch. 6 para. 1\(1\)\(d\)](#) (with [Sch. 6 para. 1\(3\)](#)); S.R. 2009/114, [art. 2](#)

**F8** Words in Order substituted (1.4.2009) by virtue of [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), ss. 32, 34(3), [Sch. 6 para. 1\(1\)\(e\)](#) (with [Sch. 6 para. 1\(3\)](#)); S.R. 2009/114, [art. 2](#)

11. An [<sup>F9</sup>HSC trust] may undertake and commission research and make available staff and provide facilities for research by other persons.

**F9** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(d)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**

12. An [<sup>F10</sup>HSC 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 [<sup>F11</sup>social care].

**F10** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(d)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**

**F11** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(a)** (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, **art. 2**

13. An [<sup>F12</sup>HSC 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 [<sup>F13</sup> (other than functions exercisable on behalf of a Health and Social Services Board by virtue of an authorisation for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994)] jointly with any relevant body, with another [<sup>F12</sup>HSC trust] or with any other body or individual.

**F12** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(d)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**

**F13** 1994 NI 2

14. According to the nature of its functions, an [<sup>F14</sup>HSC 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.

**F14** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(d)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**

15. For the purpose of making additional income available in order better to perform its functions, an [<sup>F15</sup>HSC trust] shall have the powers specified in Article 3(2) of the Health and Medicines (Northern Ireland) Order 1988<sup>F16</sup> (extension of powers of the Department for financing [<sup>F17</sup>health care]).

**F15** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(d)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**

**F16** 1988 NI 24

**F17** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(b)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**

## General powers

16.—[<sup>F18</sup>(1)] Subject to Schedule 4, an [<sup>F19</sup>HSC 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;

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- (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 [<sup>F19</sup>HSC trust] (including the purposes of any specific hospital or other establishment or facility<sup>F18</sup> at or from which services are provided] by the trust);

*Sub.#para. (d) rep. by 2001 c. 3 (NI)*

[<sup>F18</sup>(2) An [<sup>F19</sup>HSC trust] may employ such staff at it thinks fit.

(3) Subject to any directions given by the Department under paragraph 6, an [<sup>F19</sup>HSC trust] may—

- (a) pay its staff such remuneration and allowances; and
- (b) employ them on such other terms and conditions,

as it thinks fit.]

**F18** 2001 c. 3 (NI)

**F19** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), **Sch. 6 para. 1(1)(d)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**

**17.—(1)** Without prejudice to the generality of paragraph 16, to or in respect of such of its employees as it may determine, an [<sup>F20</sup>HSC 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 [<sup>F20</sup>HSC 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.

**F20** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), **Sch. 6 para. 1(1)(d)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**

## Status

**18.** An [<sup>F21</sup>HSC 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>F22</sup>, as enjoying any status, immunity or privilege of the Crown; and an [<sup>F23</sup>HSC trust's] property shall not be regarded as property of, or property held on behalf of, the Crown.

**F21** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), **Sch. 6 para. 1(1)(d)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**

**F22** SI 1991/195

**F23** Words in Order substituted (1.4.2009) by virtue of [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), **Sch. 6 para. 1(1)(d)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**

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