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STATUTORY RULES OF NORTHERN IRELAND

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**2022 No. 103**

**HEALTH AND PERSONAL SOCIAL SERVICES**

**The Health and Social Care Trusts (Establishment)  
(Amendment) Order (Northern Ireland) 2022**

*Made* - - - - *11th March 2022*

*Coming into operation* *1st April 2022*

The Department of Health, makes the following Order in exercise of the powers conferred by Article 10(1) of, and paragraphs 3(1)(b) and 3A of Schedule 3 to, the Health and Personal Social Services Order (Northern Ireland) 1991(1).

In accordance with Article 10(2) of that Order the Department has consulted with the Patient and Client Council and such other persons and bodies as it considered appropriate.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Health and Social Care Trusts (Establishment) (Amendment) Order (Northern Ireland) 2022 and shall come into operation on 1st April 2022.

(2) In this Order—

”relevant establishment orders” means—

- (a) the Belfast Health and Social Services Trust (Establishment) Order (Northern Ireland 2006(2));
- (b) the Northern Health and Social Services Trust (Establishment) Order (Northern Ireland 2006(3));
- (c) the South Eastern Health and Social Services Trust (Establishment) Order (Northern Ireland 2006(4));
- (d) the Southern Health and Social Services Trust (Establishment) Order (Northern Ireland 2006(5));
- (e) the Western Health and Social Services Trust (Establishment) Order (Northern Ireland 2006(6));

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(1) S.I. 1991/194 (N.I.1). Article 10 and Schedule 3 were amended by S.I. 1994/429 (N.I. 2), 2001 c. 3 (N.I.) and 2022 c. 3 (N.I.).  
(2) S.R. 2006 No. 292 as amended by S.R. 2007 No. 269 & S.R. 2008 No. 426  
(3) S.R. 2006 No. 295 as amended by S.R. 2007 No. 269 & S.R. 2008 No. 426  
(4) S.R. 2006 No. 293 as amended by S.R. 2007 No. 269 & S.R. 2008 No. 426  
(5) S.R. 2006 No. 294 as amended by S.R. 2007 No. 269 & S.R. 2008 No. 426  
(6) S.R. 2006 No. 296 as amended by S.R. 2007 No. 269 & S.R. 2008 No. 426

### Amendment of the relevant establishment orders

2.—(1) Each of the relevant establishment orders shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (2) of Article 1 (Citation, commencement and interpretation)—

(a) omit the definition of “relevant functions”; and

(b) at the appropriate place in alphabetical order insert the following definition—

“social care and children functions” has the meaning assigned to it by Article 10A of the Order”.

(3) For paragraph (2)(b) of Article 3 (Nature and functions of the trust), substitute—

“(b) to exercise social care and children’s functions [within the meaning of Article 10A of the Order].”.

(4) For the Schedule (Operational area), substitute—

“SCHEDULE

Article 4

Operational area

## PART 1

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### *Statutory Provision*

### *Social care and children functions*

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Children and Young Persons Act (Northern Ireland) 1968(7) All social care and children functions

Health and Personal Social Services (Northern Ireland) Order 1972(8) All social care and children functions

Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(9) All social care and children functions

Mental Health (Northern Ireland) Order 1986(10) All social care and children functions

Adoption (Northern Ireland) Order 1987(11) All social care and children functions

Disabled Persons (Northern Ireland) Act 1989(12) All social care and children functions

Children (Northern Ireland) Order 1995(13) All social care and children functions

the Criminal Justice (Northern Ireland) Order 1996(14) All social care and children functions

Carers and Direct Payments Act (Northern Ireland) 2002(15) All social care and children functions

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(7) 1968 c. 34 (N.I.)

(8) S.I. 1972/1265 (N.I. 14)

(9) 1978 c. 53

(10) S.I. 1986/595 (N.I. 4)

(11) S.I. 1987/2203 (N.I. 22)

(12) 1989 c. 10

(13) S.I. 1995/755 (N.I. 2)

(14) S.I. 1996/3160 (N.I. 24)

(15) 2002 c. 6 (N.I.)

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<i>Statutory Provision</i>	<i>Social care and children functions</i>
the Criminal Justice (Northern Ireland) Order 2008 <sup>(16)</sup>	All social care and children functions
The Mental Capacity Act (Northern Ireland) 2016 <sup>(17)</sup>	All social care and children functions

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## PART 2

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<i>Statutory Provision</i>	<i>Social care and children functions</i>
Health and Personal Social Services (Northern Ireland) Order 1972	Articles 15, 36, 38(3) and (4), 99, 101, 101A and paragraphs 8 and 9 of Schedule 6
Chronically Sick and Disabled Persons (Northern Ireland) Act 1978	Section 2(c), (d) and (f)
Mental Health (Northern Ireland) Order 1986	Articles 8(1), 15(3), 22(1), 28(1) and (5), 29(1) and (2), 42(4), 43(3), 44(5), 45(3), 79(3), 129(1) and (2), 131 and 132
Adoption (Northern Ireland) Order 1987	Articles 11(1), 13(3)(a), 24, 31 and 32
Children (Northern Ireland) Order 1995	Articles 21, 23, 26, 27, 32, 54, 66 and Schedule 3

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## PART 3

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<i>Statutory Provision</i>	<i>Social care and children functions</i>
Chronically Sick and Disabled Persons (Northern Ireland) Act 1978	All social care and children functions under section 12(1)
Mental Health (Northern Ireland) Order 1986	All social care and children functions except those under  Articles 18 to 26, 28(5)(a), 29(2), 44(1)(b) and 46(5)”

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<sup>(16)</sup> S.I. 2008/1216 (N.I. 1)

<sup>(17)</sup> 2016 c.18

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Sealed with the Official Seal of the Department of Health on 11th March 2022.



*Martina Moore*  
A senior officer of the Department of Health

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends orders made under Article 10(1) of, and paragraphs 3 (1) (b) and 3A of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991 establishing Health and Social Care Trusts.

Article 2 of the order removes the definition of “relevant functions” from the relevant establishment orders and updates the functions of the Trusts and the Department of Health’s power, by direction, to provide for specified functions to be undertaken by trust on behalf of the Department.