STATUTORY RULES OF NORTHERN IRELAND

2006 No. 295

HEALTH AND PERSONAL SOCIAL SERVICES

The Northern Health and Social Services Trust (Establishment) Order (Northern Ireland) 2006

Made - - - -	*22nd June 2006*
Coming into operation -	*1st August 2006*

The Department of Health, Social Services and Public Safety(**a**) makes the following Order in exercise of the powers conferred by Article 10(1) of, and paragraphs 3, 3A, 4 and 5 of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991(**b**).

In accordance with Article 10(2) of that Order it has consulted with Health and Social Services Councils and such other persons and bodies as the Department considered appropriate.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Northern Health and Social Services Trust (Establishment) Order (Northern Ireland) 2006 and shall come into operation on 1st August 2006.

(2) In this Order-

"the Order" means the Health and Personal Social Services (Northern Ireland) Order 1991;

"establishment date" means 1st August 2006;

"operational date" has the meaning assigned to it by paragraph 3(1)(*e*) of Schedule 3 to the Order;

"relevant functions" has the meaning assigned to it by Article 3(2) of the Health and Personal Social Services (Northern Ireland) Order 1994(**c**); and

"the trust" means the Northern Health and Social Services Trust established by Article 2.

Establishment of the trust

2. There is established an HSS trust which shall be called the Northern Health and Social Services Trust.

Nature and functions of the trust

3.—(1) The trust is established for the purposes specified in Article 10(1) of the Order.

(2) The trust's functions (which include functions which the Department considers appropriate in relation to the provision of services by the trust for one or more relevant bodies) shall be—

(**a**) Formerly the Department of Health and Social Services. See S.I. 1999/283 (N.I. 1) Article 3(6)
(**b**) S.I. 1991/194 (N.I. 1); Article 10 and Schedule 3 were amended by S.I. 1994/429 (N.I. 2) and 2001c3 (N.I.)
(**c**) S.I. 1994/429 (N.I. 2); the relevant functions are specified in S.R. 1994 No. 64 as amended by S.R. 1996 No. 439 and S.R. 2003 No. 200

(a) to provide hospital accommodation and services at Antrim Hospital, 45 Bush Road, Antrim BT41 2QB, Braid Valley Hospital, Cushendall Road, Ballymena, Co Antrim BT43 6HL, Causeway Hospital, 4 Newbridge Road, Coleraine BT52 1HS, Dalriada Hospital, 1a Coleraine Road, Ballycastle BT54 6BA, Holywell Hospital, 60 Steeple Road, Antrim BT41 2RJ, Mid-Ulster Hospital, 59 Hospital Road, Magherafelt, Co Londonderry BT45 5EX, Moyle Hospital, Old Glenarm Road, Larne, Co Antrim BT40 1RP, Robinson Memorial Hospital, Newal Road, Ballymoney BT53 6HH, Whiteabbey Hospital, Doagh Road, Newtownabbey, Co Antrim BT37 9RH and associated premises;

(b) to provide community based health and personal social services from the trust headquarters and associated premises; and

(c) to exercise, on behalf of Health and Social Services Boards, such relevant functions as are so exercisable by the trust by virtue of authorisations for the time being in operation under Article 3(1) of the Health and Social Services (Northern Ireland) Order 1994.

Operational area of the trust

4. The operational area of the trust shall be—

(a) for the purposes of the statutory provisions specified in Part I of the Schedule, the local government districts of Antrim, Ballymena, Ballymoney, Carrickfergus, Coleraine, Cookstown, Larne, Magherafelt, Moyle and Newtownabbey;

(b) for the purposes of the statutory provisions specified in Part II of the Schedule, Northern Ireland.

Directors of the trust

5.—(1) The trust shall have, in addition to the chairman, 5 non-executive directors and 5 executive directors.

Operational date of the trust

6. The operational date of the trust shall be 1st April 2007.

Limited functions before operational date

7. Between its establishment date and operational date, the trust shall have the functions of doing such things as are reasonably necessary for the purpose of enabling it to begin to operate satisfactorily with effect from the operational date including—

(a) of entering into HSS contracts; and

(b) of entering into other contracts including contracts of employment.

Assistance by a relevant body before operational date

8.—(1) The Agency shall discharge the liabilities of the trust, reasonably incurred between the establishment date and the operational date, that are of a description specified in paragraph (2).

(2) The liabilities referred to in paragraph (1) are—

(a) liability for the remuneration and travelling or other allowances of the chairman and non-executive directors of the trust;

(b) liability for the travelling or other allowances of the members of committees and sub-committees of the trust who are not also directors of the trust; and

(c) liability for the remuneration of persons employed by the trust.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 22nd June2006



Denis McMahon
A senior officer of the Department of Health, Social Services and Public Safety

SCHEDULE

Article 4

Operational Area

PART I

Statutory Provision	*Relevant Function*
Children (Northern Ireland) Order 1995(**a**)	All relevant functions
Health and Personal Social Services (Northern Ireland) Order 1972(**b**)	All relevant functions
Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(**c**)	All relevant functions
Matrimonal Causes (Northern Ireland) Order 1978(**d**)	All relevant functions
Domestic Proceedings (Northern Ireland) Order 1980(**e**)	All relevant functions
Mental Health (Northern Ireland) Order 1986(**f**)	All relevant functions
Adoption (Northern Ireland) Order 1987(**g**)	All relevant functions
Disabled Persons (Northern Ireland) Act 1989(**h**)	All relevant functions

PART II

Statutory Provision	*Relevant Function*
Children (Northern Ireland) Order 1995	Articles 21, 23, 26, 27, 32, 54, 66 and Schedule 3
Health and Personal Social Services (Northern Ireland) Order 1972	Relevant functions under Articles 14A, 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	Relevant functions under section 2(*c*) (*d*) and (*f*)
Mental Health (Northern Ireland) Order 1986	Relevant functions under 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	Relevant functions under Articles 11(1), 13(3)(a), 24, 31 and 32

(**a**) S.I. 1995/755 (N.I. 2)
(**b**) S.I. 1972/1265 (N.I. 14)
(**c**) 1978 c. 53
(**d**) S.I. 1978/1045 (N.I.15)
(**e**) S.I. 1980/563 (N.I. 5)
(**f**) S.I. 1986/595 (N.I. 4)
(**g**) S.I. 1987/2203 (N.I.22)
(**h**) 1989 c. 10

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Northern Health and Social Services Trust, an HSS trust provided for in Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991.

The Order provides for the functions of the trust both before (Article 7) and after (Article 3) its operational date (the date on which it assumes all its functions). The functions include the exercise of relevant statutory functions which may be delegated to the trust by Health and Social Services Boards by virtue of authorisations made under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994. Article 4 and the Schedule specify the operational areas within which the trust may exercise the delegated functions.

The Order also specifies the operational date of the trust (Article 6) and specifies that between the dates that the new trust is established and becomes operational, its liabilities will be discharged by the Agency (Article 8).

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