
STATUTORY INSTRUMENTS

1991 No. 194

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

Health and Social Services trusts

Originating capital debt of, and other financial provisions relating to, HSS trusts

14.—(1) Each HSS trust shall have an originating capital debt of an amount specified in an order made by the Department, being an amount representing, subject to paragraph (2), the excess of the valuation of the assets which, on or in connection with the establishment of the trust, are or are to be transferred to it (whether before, on or after its operational date) over the amounts of the liabilities which are or are to be so transferred.

(2) In determining the originating capital debt of an HSS trust, there shall be left out of account such assets or, as the case may be, liabilities as are, or are of a class, determined for the purposes of this Article by the Department.

(3) An HSS trust's originating capital debt shall be deemed to have been issued out of moneys appropriated by Measure and shall constitute an asset of the Consolidated Fund.

(4) In accordance with an order under paragraph (1), an HSS trust's originating capital debt shall be divided between—

- (a) a loan (in this Part referred to as an HSS trust's "initial loan"); and
- (b) public dividend capital.

(5) Interest shall be paid on an HSS trust's initial loan at such variable or fixed rates and at such times as the Department may determine.

(6) The other terms of the initial loan shall be such as the Department may determine; and, in the event of the early repayment of the initial loan, the terms may require the payment of a premium or allow a discount.

(7) The Department may determine the terms on which any public dividend capital forming part of an HSS trust's originating capital debt is to be treated as having been issued, and, in particular, may determine the dividend which is to be payable at any time on any public dividend capital.

(8) An order under paragraph (1) and a determination under paragraph (2), (5), (6) or (7) shall be made with the consent of the Department of Finance and Personnel.

(9) Schedule 4 shall have effect with respect to—

- (a) borrowing by HSS trusts;
- (b) the limits on their indebtedness;
- (c) the payment of additional public dividend capital to them; and
- (d) the application of any surplus funds of HSS trusts.