

## 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 I

#### ORDERS UNDER ARTICLE 10(1)

**1.** Any reference in this Part to an order is a reference to an order under Article 10(1) establishing an [<sup>F1</sup>HSC trust] or any subsequent order under that provision amending or revoking a previous order.

**F1** 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](#)

**2.** The provisions made by an order shall be in conformity with any general provision made by regulations under Article 10(6).

**3.—(1)** Without prejudice to any amendment made by a subsequent order, the first order to be made in relation to any [<sup>F2</sup>HSC trust] shall specify—

- (a) the name of the trust;
- (b) the functions of the trust;
- (c) the number of executive directors and non-executive directors;
- (d) <sup>F3</sup>.....
- (e) the operational date of the trust, that is to say, the date on which the trust is to begin to undertake the whole of the functions conferred on it; and
- (f) if a scheme is to be made under Article 11, the relevant body which is to make the scheme.

(2) <sup>F4</sup>.....

(3) <sup>F5</sup>.....

**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](#)

**F3** Sch. 3 para. 3(1)(d) repealed (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 33, 34\(3\), Sch. 6 para. 13\(13\)\(a\), Sch. 7](#); S.R. 2009/114, [art. 2](#)

**F4** Sch. 3 para. 3(2) repealed (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 33, 34\(3\), Sch. 6 para. 13\(13\)\(a\), Sch. 7](#); S.R. 2009/114, [art. 2](#)

**F5** Sch. 3 para. 3(3) repealed (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 33, 34\(3\), Sch. 6 para. 13\(13\)\(a\), Sch. 7](#); S.R. 2009/114, [art. 2](#)

**[<sup>F6</sup>3A.**—(1) This paragraph applies where an HSC trust is to exercise—

- (a) social care and children functions, or
- (b) functions on behalf of the Department by virtue of a delegation direction under Article 10B(1).

(2) An order in relation to the trust must specify the operational area of the trust, that is to say, the area in relation to which those functions are to be exercisable.]

**F6** Sch. 3 para. 3A substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 148\(2\)](#); S.R. 2022/102, art. 2(b)

**4.**—(1) An order may require a relevant body to make staff, premises and other facilities available to an [<sup>F7</sup>HSC trust] pending the transfer or appointment of staff to or by the trust and the transfer of premises or other facilities to the trust.

(2) An order making provision under this paragraph may make provision with respect to the time when the relevant body's functions under the provision are to come to an end.

**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

**5.**—(1) An order may provide for the establishment of an [<sup>F8</sup>HSC trust] with effect from a date earlier than the operational date of the trust and, during the period between that earlier date and the operational date, the trust shall have such limited functions for the purpose of enabling it to begin to operate satisfactorily with effect from the operational date as may be specified in the order.

(2) If an order makes the provision referred to in sub-paragraph (1), then, at any time during the period referred to in that sub-paragraph, the [<sup>F8</sup>HSC trust] shall be regarded as properly constituted (and may carry out its limited functions accordingly) notwithstanding that, at that time, all or any of the executive directors have not yet been appointed.

(3) If an order makes the provision referred to in sub-paragraph (1), the order may require a relevant body to discharge such liabilities of the [<sup>F8</sup>HSC trust] as—

- (a) may be incurred during the period referred to in that sub-paragraph; and
- (b) are of a description specified in the order.

**F8** 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

**Changes to legislation:**

There are currently no known outstanding effects for the The Health and Personal Social Services (Northern Ireland) Order 1991, PART I.