

1992 No. 255

HEALTH AND PERSONAL SOCIAL SERVICES**The Health and Social Services Trusts (Consultation on Dissolution) Regulations (Northern Ireland) 1992**

Made 4th June 1992

Coming into operation 1st July 1992

The Department of Health and Social Services, in exercise of the powers conferred on it by paragraph 23(3) of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Health and Social Services Trusts (Consultation on Dissolution) Regulations (Northern Ireland) 1992 and shall come into operation on 1st July 1992.

(2) In these regulations—

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

“dissolution order” means an order under paragraph 23 of Schedule 3 to the Order dissolving an HSS Trust;

“relevant Health and Social Services Council” means, in relation to an HSS trust, the Health and Social Services Council for the area or part of the area in which the hospital, establishment or other facility in respect of which the HSS trust was established is situated.

Consultation

2.—(1) Subject to paragraph (3), for the purposes of paragraph 23(3) of Schedule 3 to the Order, the prescribed consultation which, except in cases of urgency, must be completed before the Department may make a dissolution order shall be—

(a) where a dissolution order is to be made pursuant to paragraph 23(2)(a) of Schedule 3 to the Order (on the application of the HSS trust concerned) the prescribed consultation shall be consultation by that trust with the relevant Health and Social Services Council the results of which shall, within such a period, if any, as the Department may determine, be reported by the HSS trust to the Department;

(a) S.I. 1991/194 (N.I. 1) Definitions in Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972 apply, for the purpose of the Health and Personal Social Services (Northern Ireland) Order 1991 (Article 2(3) thereof) as they apply for the purposes of the former Order.

- (b) where a dissolution order is to be made pursuant to paragraph 23(2)(b) of Schedule 3 to the Order (where the Department considers it appropriate in the interests of the health and personal social services) the prescribed consultation shall be consultation by the Department with the relevant Health and Social Services Council.
- (2) Where a dissolution order is to be made in respect of two or more HSS trusts, the prescribed consultation under paragraph (1)(a) may be undertaken jointly by the HSS trusts concerned.
- (3) Where—
- (a) a dissolution order is to be made pursuant to paragraph 23(2) of Schedule 3 to the Order; and
- (b) the Department is considering whether to make an order under Article 10(1) of the Order to establish an HSS trust to which it proposes to transfer, by an order under paragraph 24 of Schedule 3 to the Order, the property, rights and liabilities of the HSS trust which is to be dissolved,

the prescribed consultation shall be consultation by the Department with the relevant Health and Social Services Council and that consultation may be combined with the consultation required by Article 10(2) of the Order.

Sealed with the Official Seal of the Department of Health and Social Services on 4th June 1992.

(L.S.)

J. G. McGrath

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations prescribe the consultation to be completed before the Department may make an order dissolving an HSS trust under paragraph 23 of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991. In cases where the reason for the dissolution is the creation of a new HSS trust, regulation 2(3) makes it clear that the consultation prescribed on dissolution may be combined with the consultation required by the Order before the establishment of an HSS trust.