

STATUTORY INSTRUMENTS

1972 No. 1265

**Health and Personal Social Services
(Northern Ireland) Order 1972**

PART X

ENDOWMENTS AND OTHER TRUST PROPERTY, ETC.

Power of trustees to make payments to Health and Social Services Boards

83.—^{F1}(1) Where the terms of a trust instrument authorise or require the trustees, whether immediately or in the future, to apply any part of the capital or income of the trust property for the purposes of any hospital or service administered by ^{F2}... an [^{F3}HSC trust], the trust instrument shall be construed as authorising or (as the case may be) requiring the trustees to apply the trust property, to the like extent, and at the like times, for the purpose of making payments, whether of capital or income, to the appropriate authority.

(1A) In paragraph (1) “the appropriate authority” means—

- ^{F4}(a)
- (b) where the hospital or service is administered by an [^{F3}HSC trust] and trustees have been appointed for that trust under Article 16 of the 1991 Order, those trustees;
- (c) where the hospital or service is administered by an [^{F3}HSC trust] and sub-paragraph (b) does not apply, the [^{F3}HSC trust].]

^{F5}(2)

- F1** 1991 NI 1
- F2** Words in art. 83(1) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 42\(2\)](#); S.R. 2022/102, art. 2(b)
- F3** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), s. 34(3), [Sch. 6 para. 1\(1\)\(d\)](#); S.R. 2009/114, [art. 2](#)
- F4** Art. 83(1A)(a) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 42\(3\)](#); S.R. 2022/102, art. 2(b)
- F5** Art. 83(2) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 42\(4\)](#); S.R. 2022/102, art. 2(b)

Changes to legislation:

Health and Personal Social Services (Northern Ireland) Order 1972, Section 83 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Instrument amended by [1995 c. 51 s.4Sch. para.30](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 56(4C)(4D) substituted by [S.I. 2002/3135 Sch. 1 para. 16](#) (This amendment has not been applied as it has been superceded by the substitution of art. 56 by 2004/311 NI 2 art. 3)
- art. 61-61E and art. 61F and cross-heading substituted for art. 61 by [2008 c. 2 \(N.I.\) s. 2\(2\)](#) (This amending provision is itself amended (13.6.2016) before it comes into force by 2016 c. 26 (N.I.), ss. 9, 20(2))
- art. 98(3) added by [2008 c. 2 \(N.I.\) s. 4\(1\)](#)
- art. 107(1A) inserted by [2008 c. 2 \(N.I.\) s. 4\(4\)\(b\)](#)