

STATUTORY INSTRUMENTS

1972 No. 1265

Health and Personal Social Services (Northern Ireland) Order 1972

PART X

ENDOWMENTS AND OTHER TRUST PROPERTY, ETC.

Certain property of voluntary organisations

86.—(1) Where any property is—

- (a) vested in any voluntary organisation formed for the purpose of providing any services similar or related to services which ^{F1}... [^{F2}[^{F3}HSC trusts]] are authorised or required to provide; or
- (b) held by any persons on trust for such an organisation or for any specific purposes connected with such an organisation;

then, notwithstanding any enactment or rule of law or anything contained in the constitution or rules of the organisation or in any order of court, deed, will or other instrument relating to the organisation, that property may, with the approval of the Attorney-General, be transferred to ^{F4}... [^{F2} an [^{F3}HSC trust] or the trustees for an [^{F3}HSC trust] (in this Article referred to as “the transferee”)] on such terms as may be agreed between [^{F2} the transferee] and the organisation or, as the case may be, the trustees with a view to the property being held or used by [^{F2} the transferee] for purposes similar to the purposes for which it was previously held or used.

(2) The power to make an agreement under paragraph (1) shall be construed as including power, exercisable in the like manner and subject to the like consents and conditions, to vary the terms of that agreement.

(3) Where the Attorney-General is satisfied that an organisation is no longer in existence or, as the case may be, the trustees are dead, he may consent to the variation of the terms of an agreement under paragraph (2).

F1 Words in art. 86(1)(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. 44\(2\)\(a\)](#); S.R. 2022/102, art. 2(b)

F2 1991 NI 1

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 Words in art. 86(1)(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. 44\(2\)\(b\)](#); S.R. 2022/102, art. 2(b)

Changes to legislation:

Health and Personal Social Services (Northern Ireland) Order 1972, Section 86 is up to date with all changes known to be in force on or before 24 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\(4\)\(b\)](#)