
STATUTORY INSTRUMENTS

1972 No. 1265

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

PART XI

FINANCIAL PROVISIONS

[^{F1}Expenses of the special agencies]

87.—[^{F2}(1) The Department shall pay to the special agencies] such sums as may be necessary to defray the expenditure of those bodies, being expenditure approved by the Ministry^{F3}. . . .

(2) ^{F4}

(3) Payments made under this Article shall be made at such times and in such manner, and subject to such conditions as to records, certificates or otherwise, as the Ministry may determine.

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| F1 | Words in art. 87 heading substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(37)(a) ; S.R. 2009/114, art. 2 |
| F2 | Words in art. 87(1) substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(37)(b) ; S.R. 2009/114, art. 2 |
| F3 | 1995 NI 2 |
| F4 | Art. 87(2) repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(37)(c), Sch. 7 ; S.R. 2009/114, art. 2 |

Regulation of financial arrangements of certain bodies

88.—(1) The Ministry may give directions to each [^{F5}special agency] restricting the making of payments by or on behalf of each of those bodies otherwise than on such authorisation and subject to such conditions as may be specified in the directions, but such provision may be made subject to such exceptions as may be so specified.

(2) Directions under paragraph (1) may contain such other provisions as to the making and carrying out by all or any of those bodies of such arrangements with respect to financial matters as the Ministry thinks necessary for the purpose of securing that the affairs of such bodies are conducted, so far as reasonably practicable, in such manner as to prevent financial loss and to ensure and maintain efficiency.

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| F5 | Words in art. 88(1) substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(38) ; S.R. 2009/114, art. 2 |
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Remuneration of members of bodies and certain other persons

89.—(1) The Ministry may pay such remuneration and such allowances as the Ministry may, with the approval of the Ministry of Finance^{F6}, determine to—

- [^{F7}(a) members of—
 - (i) any body established or appointed under this Order;
 - (ii) a special agency;
 - (iii) ^{F8}.....]
- (b) such other persons as may be prescribed.

(2) Allowances shall not be paid under paragraph (1) except in connection with the performance of such functions and in such circumstances, as the Ministry may determine.

(3) Any payments made under paragraph (1) shall be made at such times and in such manner, and subject to such conditions as to records, certificates or otherwise, as the Ministry may determine.

(4) In this Article “member” includes a member of a committee or sub-committee of a body, whether he is a member of the body or not.

F6	SR 1976/281
F7	1991 NI 1
F8	Art. 89(1)(a)(iii) repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(39), Sch. 7 ; S.R. 2009/114, art. 2

[^{F9}Accounts and audit: health and [^{F10}social care] bodies

90.—(1) Each body to which this Article applies shall—

- (a) keep proper accounts and proper records in relation to the accounts; and
- (b) prepare a statement of accounts in respect of each financial year.

(2) The statement of accounts shall—

- (a) be in such form; and
- (b) contain such information,

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) Each body to which this Article applies shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General for Northern Ireland.

(4) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts sent to him under this Article; and
- (b) send a copy of his report to the Department.

(5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

(6) This Article applies to—

- (a) ^{F11}.....
- (b) ^{F12}.....
- (c) special agencies; and

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(d) [^{F13}HSC trusts].]

- F9** 2003 NI 5
- F10** 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)(a)**; S.R. 2009/114, **art. 2**
- F11** Art. 90(6)(a) repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(40), **Sch. 7**; S.R. 2009/114, **art. 2**
- F12** Art. 90(6)(b) repealed (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), Sch. 6 para. 3(40), **Sch. 7**; S.R. 2009/114, **art. 2**
- F13** 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**

Accounts of endowments and other property held on trust

91.—(1) Each body to which this Article applies shall—

- (a) keep proper accounts of endowments and other property held on trust by the body and proper records in relation to the accounts; and
- (b) prepare a statement of those accounts in respect of each financial year.

(2) The statement of accounts shall—

- (a) be in such form; and
- (b) contain such information,

as the Department may, with the approval of the Department of Finance and Personnel, direct.

(3) Each body to which this Article applies shall, within such period after the end of each financial year as the Department may direct, send copies of the statement of accounts relating to that year to—

- (a) the Department; and
- (b) the Comptroller and Auditor General for Northern Ireland.

(4) The Comptroller and Auditor General shall—

- (a) examine, certify and report on every statement of accounts sent to him under this Article; and
- (b) send a copy of his report to the Department.

(5) The Department shall lay a copy of the statement of accounts and of the Comptroller and Auditor General's report before the Assembly.

(6) This Article applies to—

- [^{F14}(a) the Regional Board;
 - (aa) the Regional Agency;]
 - (b) special agencies;
 - (c) [^{F15}HSC trusts]; and
 - (d) the trustees for an [^{F15}HSC trust] appointed in pursuance of Article 16 of the 1991 Order.

- F14** Art. 91(6)(a)(aa) substituted (1.4.2009) for art. 91(6)(a) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), **Sch. 6 para. 3(41)**; S.R. 2009/114, **art. 2**
- F15** 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**

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[^{F16}Studies for improving economy, etc. in services

92B.—(1) The Department may[^{F17} authorise any person] to undertake comparative or other studies to promote economy, efficiency and effectiveness in the provision of services by a body to which this Article applies.

(2) The Department shall—

- (a) consult with the Comptroller and Auditor General for Northern Ireland on the nature and scope of studies to be undertaken under this Article; and
- (b) on request, furnish to the Comptroller and Auditor General for Northern Ireland all material relevant to any studies undertaken under this Article.

(3) This Article applies to—

[^{F18}(a) the Regional Board;

- (aa) the Regional Agency;
- (b) RBSO;]
- (c) special agencies;
- (d) [^{F19}HSC trusts];

Sub#para. (e) rep. by 2001 c. 3 (NI)

(f) the trustees for an [^{F19}HSC trust] appointed in pursuance of Article 16 of the 1991 Order.

(4) Paragraphs (5) to (8) apply to[^{F17} a person authorised under paragraph (1) ("the authorised person")] in undertaking any studies under this Article.

(5) The[^{F17} authorised person] shall be entitled—

- (a) to require access at all reasonable times to all such documents relating to a body to which this Article applies as appear to him necessary for the purposes of the studies;
- (b) to require from any person holding or accountable for any such document such information and explanation as he thinks necessary for the purposes of the studies;
- (c) without prejudice to sub-paragraph (b), to require any officer or member of a body to which this Article applies to give him such information or explanation as he thinks necessary for the purposes of the studies;
- (d) to require any such person as is mentioned in sub-paragraph (b) or (c) to attend before him in person to give any such information or explanation as is so mentioned.

Para. (6) rep. by 2001 c. 3 (NI)

(7) Without prejudice to paragraph (5), a body to which this Article applies shall provide the[^{F17} authorised person] with every facility and all information which he may reasonably require for the purposes of the studies.

(8) Any person who without reasonable excuse fails to comply with any requirement of the[^{F17} authorised person] under paragraph (5) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale and if the failure continues after the conviction he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding one-tenth of level 3 on the standard scale for each day on which the failure continues.]

F16 1994 NI 2

F17 2003 NI 5

F18 Art. 92B(3)(a)(aa)(b) substituted (1.4.2009) for art. 92B(3)(a)(b) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), s. 34\(3\), Sch. 6 para. 3\(42\); S.R. 2009/114, art. 2](#)

F19 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](#)

Northern Ireland share of expenses of certain United Kingdom Councils, etc.

93.—(1) The Ministry shall pay to the Council for the Education and Training of Health Visitors and the Central Council for Education and Training in Social Work such sums as may be necessary to defray that portion of the expenditure incurred by each of those Councils, with the approval of the Health Ministers (as defined in the Health Visiting and Social Work (Training) Act 1962), as is deemed to be incurred in relation to Northern Ireland, so far as that expenditure exceeds any income derived from the exercise of the Council's functions and is not met out of money provided by the Parliament of the United Kingdom.

(2) The Ministry may pay to each of the committees appointed under paragraph (8) of Schedule 2 to the Health Visiting and Social Work (Training) Act 1962 to act as advisory committees in Northern Ireland to each of the Councils established under that Act such sums as may be necessary to defray the expenditure incurred by the committee with the approval of the Ministry.

(3) The Ministry may pay to any other body established by or under any Act of the Parliament of the United Kingdom and exercising any functions in relation to services provided under this Order, such sums as may be necessary to defray that portion of that body's expenditure which may be deemed to be incurred in relation to Northern Ireland and is not met out of money provided by the Parliament of the United Kingdom.

(4) The Ministry shall pay to the Health Education Council Limited such sums as may be necessary to defray that portion of the Council's expenditure which may be deemed to be incurred in relation to Northern Ireland and is not met out of money provided by the Parliament of the United Kingdom.

Expenses of the Ministry

94.—(1) The expenses incurred by the Ministry under this Order [^{F20}or the 2009 Act] and any increase, attributable to any provision of this Order [^{F20}or the 2009 Act], in the sums which are to be defrayed under any other enactment may be defrayed out of money hereafter appropriated for the purpose of meeting such expenses or, to such extent (if any) as the Ministry of Finance directs, by means of sums charged on and issued out of the Consolidated Fund.

(2) The Ministry of Finance may borrow money for the purpose of providing money for issues out of the Consolidated Fund under paragraph (1).

F20 Words in [art. 94\(1\)](#) inserted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), s. 34(3), [Sch. 6 para. 3\(43\)](#); S.R. 2009/114, [art. 2](#)

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