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STATUTORY INSTRUMENTS

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**1991 No. 194 (N.I. 1)**

**The Health and Personal Social  
Services (Northern Ireland) Order 1991**

- - - - 5th February 1991

**THE HEALTH AND PERSONAL SOCIAL  
SERVICES (NORTHERN IRELAND) ORDER 1991**

Introductory

1. Title and commencement
2. Interpretation

Health and social care bodies

3. Constitution of Health and Social Services Boards
4. Health and Social Services Councils  
Art. 5 rep. by 2001 c. 3 (NI)
6. Abolition of Northern Ireland Health and Social Services Training Council
7. Removal of Crown immunities

Provision of goods and services

8. Health and social care contracts
- 8A Provision of certain services under HSC contracts
9. Primary and other functions of Health and Social Services Boards and special agencies

Health and Social Care trusts

10. Health and Social Care trusts
- 10A Definition of social care and children functions”
- 10B Certain functions of the Department to be exercisable on its behalf by HSC trusts
11. Transfer of staff to HSC trusts
12. Supplementary provisions as to transfer of staff

**Changes to legislation:** *The Health and Personal Social Services (Northern Ireland) Order 1991 is up to date with all changes known to be in force on or before 10 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. (See end of Document for details) View outstanding changes*

13. Transfer of assets and liabilities to HSC trusts
14. Originating capital debt of, and other financial provisions relating to, HSC trusts
15. Financial obligations of HSC trusts
16. Trust funds and trustees for HSC trusts

#### Fund-holding practices

Arts. 17#20 rep. by 2001 c. 3 (NI)

#### Indicative amounts

21. Indicative amounts for doctors' practices

#### Financial provisions

Art. 22 rep. by 2003 NI 5

23. Power of the Regional Agency , special agencies and HSC trusts to raise funds by appeals, collections, etc.
24. Schemes for meeting losses and liabilities, etc., of certain health and social care bodies

#### Provision of accommodation

25. Arrangements by Department for provision of accommodation by voluntary organisations, etc.  
Art. 26 rep. by 2002 c. 5 (NI)
27. Charges in respect of accommodation provided by the Department
28. Recovery of charges due to Department for accommodation

#### General health care

29. General medical services
30. Limitations on right to be included on list of dental practitioners providing general dental services
31. Pharmaceutical services

#### Miscellaneous and general

32. Director of Public Health
33. Regulations, orders , directions and guidance  
Article 34—Amendments  
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## SCHEDULES

### SCHEDULE 1 —

1. It is the duty of a Health and Social Services...
2. Regulations may make provision as to— (a) the membership of...

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3. Regulations made under paragraph 2(a) shall provide for the members...
4. Nothing in paragraph 3 affects the validity of anything done...
5. References in this Schedule to the area of a Council...

## SCHEDULE 2 — PROVISIONS ARISING OUT OF REMOVAL OF CROWN IMMUNITIES FROM HEALTH AND SOCIAL CARE BODIES

### — Part I—Amendments

#### PART II — TRANSITIONAL PROVISIONS

4. In this Part—“the appointed day” means the day appointed...
5. The Medicines Act 1968 (c. 67)
6. The Planning (Northern Ireland) Order 1972 (NI 17)
7. The Rent (Northern Ireland) Order 1978 (NI 20)
8. The Building Regulations (Northern Ireland) Order 1979 (NI 16)
9. The Fire Services (Northern Ireland) Order 1984 (NI 11)

## SCHEDULE 3 — HEALTH AND SOCIAL CARE TRUSTS

### PART I — ORDERS UNDER ARTICLE 10(1)

1. Any reference in this Part to an order is a...
2. The provisions made by an order shall be in conformity...
3. (1) Without prejudice to any amendment made by a subsequent...
- 3A (1) This paragraph applies where an HSC trust is to...
4. (1) An order may require a relevant body to make...
5. (1) An order may provide for the establishment of an...

### PART II — DUTIES, POWERS AND STATUS

6. Specific duties
- 6A (1) An HSC trust must record such information with respect...
- 6B (1) An HSC trust must submit to the Department a...
- 6C (1) The Department may by direction require an HSC trust...
7. (1) For each financial year an HSC trust shall prepare...
8. An HSC trust shall furnish to the Department such reports,...
9. (1) An HSC trust shall be liable to pay—
10. Specific powers
11. An HSC trust may undertake and commission research and make...
12. An HSC trust may— (a) provide training for persons employed...
13. An HSC trust may enter into arrangements for the carrying...
14. According to the nature of its functions, an HSC trust...
15. For the purpose of making additional income available in order...
16. General powers
17. (1) Without prejudice to the generality of paragraph 16, to...
18. Status
19. Re-imburement for health and personal social services work carried out otherwise than under HSS contract
20. In any case where an HSC trust provides goods or...
21. Compulsory acquisition
22. Instruments, etc.

### Part 3A — Directions that Certain Functions be exercised by others

- 22A (1) The Department may by direction provide for specified social...

### PART IV — DISSOLUTION

23. (1) The Department may by order dissolve an HSC trust...
24. (1) If an HSC trust is dissolved under this Part,...
25. Without prejudice to the generality of paragraph 24, if an...
26. An HSC trust may not be dissolved or wound up...

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#### SCHEDULE 4 — FINANCIAL PROVISIONS RELATING TO HSC TRUSTS

1. Borrowing
2. Guarantees of borrowing
3. Limits on indebtedness
4. Additional public dividend capital
5. Surplus funds
6. Investment

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**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- art. 8(2)(g)(iii) omitted by [2012 c. 7 Sch. 21 para. 43\(2\)\(a\)\(iii\)](#)
- art. 10A(1)(e) words substituted by [2022 c. 18 \(N.I.\) Sch. 3 para. 15](#)

**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):

- Sch. 5(11(1) words omitted by [2022 c. 3 \(N.I.\) Sch. 1 para. 149](#)