1993 No. 355

HEALTH AND PERSONAL SOCIAL SERVICES

The Down Lisburn Health and Social Services Trust (Establishment) Order (Northern Ireland) 1993

Made . . . . . *6th August 1993*

Coming into operation . . *1st September 1993*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 10(1) of, and paragraphs 1, 3, 4, 5 and 6(2)(*d*) 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, having consulted the persons or bodies referred to in Article 10(2) of that Order, hereby makes the following order:

Citation, commencement and interpretation

1.—(1) This order may be cited as the Down Lisburn Health and Social Services Trust (Establishment) Order (Northern Ireland) 1993 and shall come into operation on 1st September 1993.

(2) In this order—

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

"establishment date" means 1st September 1993;

"operational date" has the meaning assigned to it in paragraph 3(1)(*e*) of Schedule 3 to the Order;

"the trust" means the Down Lisburn Health and Social Services Trust established by Article 2 of this order.

Establishment of the trust

2. There is hereby established an HSS trust which shall be called the Down Lisburn Health and Social Services Trust.

Nature and functions of the trust

3.—(1) The trust is established for the purposes specified in Article 10(1) of the Order.

(2) The trust's functions (which include functions which the Department considers appropriate in relation to the provision of services by the trust for one or more relevant bodies) shall be—

(a) S.I. 1991/194 (N.I. 1); paragraph 1 of Schedule 3 is cited for the definition of "an order"

(*a*) to own and manage hospital accommodation at Lagan Valley Hospital, Hillsborough Road, Lisburn BT28 1JP, Downe Hospital, 9a Pound Lane, Downpatrick BT30 6JA and Downshire Hospital, Ardglass Road, Downpatrick BT30 6RA and associated premises;

(*b*) to manage community-based health and personal social services provided from Lisburn Health Centre, 25 Linenhall Street, Lisburn BT28 1BH and to own those and any associated premises.

Directors of the trust

4. The trust shall have, in addition to the chairman, 5 non-executive directors and 5 executive directors.

Operational date of the trust

5. The operational date of the trust shall be 1st April 1994.

Limited functions before operational date

6. Between its establishment and operational date, the trust shall have the limited functions of—

(*a*) entering into HSS contracts;

(*b*) entering into other contracts including contracts of employment; and

(*c*) doing such other things as are reasonably necessary,

for the purpose of enabling it to begin to operate satisfactorily with effect from its operational date.

Assistance by a relevant body before operational date

7.—(1) The Eastern Health and Social Services Board shall—

(*a*) until the operational date make such staff and facilities available to the trust as are required to enable the trust to carry out its limited functions pending the transfer or appointment of staff to or by the trust and the transfer of facilities to the trust;

(*b*) make available such premises as are required to enable the trust to carry out its limited functions pending the transfer of those premises to the trust.

(2) The Eastern Health and Social Services Board shall discharge the liabilities of the trust, incurred between the establishment date and the operational date, that are of a description specified in paragraph (3).

(3) The liabilities referred to in paragraph (2) are—

(*a*) liability for the remuneration and travelling or other allowances of the chairman and non-executive directors of the trust;

(*b*) liability for the travelling or other allowances of the members of committees and sub-committees of the trust who are not also directors of the trust;

(*c*) liability for the remuneration of persons employed by the trust; and

(*d*) liability for the remuneration of persons employed by the trust for the purpose of enabling it to begin to operate satisfactorily with effect from the operational date.

(4) The relevant body specified for the purposes of paragraph 3(1)(*f*) of Schedule 3 to the Order (relevant body which is to make the scheme under Article 11 of the Order for the transfer of staff) in relation to the trust shall be the Eastern Health and Social Services Board.

Restriction on disposal of assets

8. The sum specified for the purposes of paragraph 6(2)(*d*) of Schedule 3 to the Order (maximum value of freely disposable assets) in relation to the trust shall be £500,000.

Sealed with the Official Seal of the Department of Health and Social Services on 6th August 1993.

(L.S.) *John McGrath*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order.)

This order establishes the Down Lisburn Health and Social Services Trust, an HSS trust provided for in Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991. It also provides for the functions of the trust both before (Article 6) and after (Article 3) its operational date (the date on which it assumes all its functions). It specifies the operational date of the trust (Article 5) and makes provision for assistance to the trust by the Eastern Health and Social Services Board before its operational date (Article 7). Article 8 specifies £500,000 as the maximum value of freely disposable assets.

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These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.