1994 No. 115

HEALTH AND PERSONAL SOCIAL SERVICES

The Newry and Mourne Health and Social Services Trust (Establishment) (Amendment) Order (Northern Ireland) 1994

Made . . . . . *25th March 1994*

Coming into operation . . . *1st April 1994*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 10(1) of, and paragraphs 1, 3 and 3A 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, hereby makes the following order:

Citation, commencement and interpretation

1.—(1) This order may be cited as the Newry and Mourne Health and Social Services Trust (Establishment) (Amendment) Order (Northern Ireland) 1994 and shall come into operation on 1st April 1994.

(2) In this order "the establishment order" means the Newry and Mourne Health and Social Services Trust (Establishment) Order (Northern Ireland) 1993(**b**).

Amendment of the establishment order

2. The establishment order shall be amended in accordance with Articles 3 to 6.

Interpretation

3. In Article 1(2)—

(*a*) after the definition of "establishment date" there shall be inserted the following definition—

" "operational area" has the meaning assigned to it by paragraph 3A of Schedule 3 to the Order;" and

(*b*) after the definition of "operational date" there shall be inserted the following definition—

" "relevant functions" has the meaning assigned to it by Article 3(2) of the Health and Personal Social Services (Northern Ireland) Order 1994(**c**);".

(a) S.I. 1991/194 (N.I. 1); Article 10(1) was amended, and paragraph 3A of Schedule 3 was inserted, by S.I. 1994/429 (N.I. 2); paragraph 1 of Schedule 3 is cited for the definition of "an order"

(b) S.R. 1993 No. 455

(c) S.I. 1994/429 (N.I. 2); the relevant functions are specified in S.R. 1994 No. 64

Additional functions

4. In Article 3(2) at the end there shall be added—

''; and

(*c*) to exercise, on behalf of Health and Social Services Boards, such relevant functions as are so exercisable by the trust by virtue of authorisations for the time being in operation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994.''.

Operational area of the trust

5. Immediately after Article 3 there shall be inserted the following Article—

''*Operational area of the trust*

3A. The operational area of the Newry and Mourne Health and Social Services Trust shall be—

(*a*) for the purposes of the statutory provisions specified in Part I of the Schedule, the local government districts of Newry and Mourne;

(*b*) for the purposes of the statutory provisions specified in Part II of the Schedule, Northern Ireland.''.

Schedule

6. At the end of the establishment order there shall be added the following Schedule—

Operational Area

PART I

Statutory Provision	*Relevant Function*
Children and Young Persons Act (Northern Ireland) 1968(**a**)	All relevant functions
Health and Personal Social Services (Northern Ireland) Order 1972(**b**)	All relevant functions
Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(**c**)	All relevant functions
Matrimonial Causes (Northern Ireland) Order 1978(**d**)	All relevant functions
Domestic Proceedings (Northern Ireland) Order 1980(**e**)	All relevant functions
Mental Health (Northern Ireland) Order 1986(**f**)	All relevant functions except those under Articles 4 to 9 and 11 to 17, 26, 28(1) and (4)(*b*), 29(1), 42, 43, 44(1)(*a*) and (5), 45, 46(1) and 61(2)
Adoption (Northern Ireland) Order 1987(**g**)	All relevant functions
Disabled Persons (Northern Ireland) Act 1989(**h**)	All relevant functions

(**a**) 1968 c. 34 (N.I.)
(**b**) S.I. 1972/1265 (N.I. 14)
(**c**) 1978 c. 53
(**d**) S.I. 1978/1045 (N.I. 15)
(**e**) S.I. 1980/563 (N.I. 5)
(**f**) S.I. 1986/595 (N.I. 4)
(**g**) S.I. 1987/2203 (N.I. 22)
(**h**) 1989 c. 10

Statutory Provision	*Relevant Function*
Children and Young Persons Act (Northern Ireland) 1968	Relevant functions under Part VII and sections 82, 94(2), 99, 105(3), 142, 144(1) and (2), 145, 152, 154 to 159, 163(2) and 164
Health and Personal Social Services (Northern Ireland) Order 1972	Relevant functions under Articles 14A, 15, 36, 36A, 38(3) and (4), 99, 101, 101A and paragraphs 8 and 9 of Schedule 6
Chronically Sick and Disabled Persons (Northern Ireland) Act 1978	Relevant functions under section 2(*c*), (*d*) and (*f*)
Mental Health (Northern Ireland) Order 1986	Relevant functions under Articles 22(1), 28(5), 29(2), 129(1) and (2), 131 and 132
Adoption (Northern Ireland) Order 1987	Relevant functions under Articles 11(1), 13(3)(*a*), 24, 31, 32, 59(4) and 66

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Sealed with the Official Seal of the Department of Health and Social Services on 25th March 1994.

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

EXPLANATORY NOTE

(This note is not part of the Order.)

This order amends the Newry and Mourne Health and Social Services Trust (Establishment) Order (Northern Ireland) 1993 (S.R. 1993 No. 455) (''the establishment order'') with effect from 1st April 1994.

The new Article 3(2)(*c*) of the establishment order added by Article 4 extends the existing functions of the Newry and Mourne Health and Social Services Trust (''the trust'') to include the exercise of relevant statutory functions which may be delegated to that trust by Health and Social Services Boards by virtue of authorisations made under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994 (S.I. 1994/429 (N.I. 2)).

The new Article 3A and the Schedule inserted in the establishment order by Articles 5 and 6 specify the operational areas within which the trust may exercise the delegated functions.