1994 No. 57

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Social Services Trusts (Consultation on Dissolution) (Amendment) Regulations (Northern Ireland) 1994

Made . . . . . *21st February 1994*

Coming into operation . . *1st April 1994*

The Department of Health and Social Services, in exercise of the powers conferred on it by paragraphs 23(3) and 24(3) 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 Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Health and Social Services Trusts (Consultation on Dissolution) (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 1st April 1994.

Amendment of the Health and Social Services Trusts (Consultation on Dissolution) Regulations (Northern Ireland) 1992

2. The Health and Social Services Trusts (Consultation on Dissolution) Regulations (Northern Ireland) 1992(**b**) shall be amended as follows—

(*a*) in regulation 1(2), the full stop after the definition of ''relevant Health and Social Services Council'' shall be deleted and the following shall be added after that definition—

''; and

''staff interests'' means such persons or bodies as the HSS trust which is to be dissolved may recognise as representing persons who are employed by or for the purposes of that trust, and who are, in its opinion, likely to be affected by an order under paragraph 23 or 24 of Schedule 3 to the Order.'';

(*b*) in regulation 2(1), the words '', except in cases of urgency,'' shall cease to have effect;

(*c*) in regulation 2(1)(*a*) and (*b*) and (3), after the word ''Council'', in each place where that word occurs, there shall be added the words ''and staff interests''; and

(**a**) S.I. 1991/194 (N.I. 1)
(**b**) S.R. 1992 No. 255

(*d*) after paragraph (2) of regulation 2 there shall be added the following paragraphs—

"(2A) Subject to paragraph (3), for the purposes of sub-paragraph (3) of paragraph 24 of Schedule 3 to the Order, the prescribed consultation which must be completed before the Department may make an order under that paragraph transferring or providing for the transfer of property, rights or liabilities of an HSS trust shall be—

(*a*) where the dissolution order in respect of that trust is to be made pursuant to paragraph 23(2)(*a*) of Schedule 3 to the Order, consultation by that trust with the relevant Health and Social Services Council and staff interests, the results of which shall, within such a period, if any, as the Department may determine, be reported by that trust to the Department;

(*b*) where the dissolution order in respect of that trust is to be made pursuant to paragraph 23(2)(*b*) of Schedule 3 to the Order, consultation by the Department with the relevant Health and Social Services Council and staff interests.

(2B) Consultation required by paragraph (2A) may be combined with the consultation required by paragraph (1); and where orders under paragraph 24 of Schedule 3 to the Order are to be made in respect of two or more HSS trusts, the consultation required by paragraph (2A)(*a*) may be undertaken jointly by the HSS trusts concerned.".

Sealed with the Official Seal of the Department of Health and Social Services on 21st February 1994.

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

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Health and Social Services Trusts (Consultation on Dissolution) Regulations (Northern Ireland) 1992 (''the principal regulations'') to provide for the consultation required before the Department makes an order under paragraph 24 of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1991 in connection with the transfer of the property, rights and liabilities, including staff, of a Health and Social Services trust which is to be dissolved.

The principal regulations provide for consultation required before the Department makes an order dissolving an HSS trust. These Regulations amend the principal regulations to provide that staff interests will be among those persons or bodies which must be consulted on an order dissolving an HSS trust. A definition of ''staff interests'' is added to regulation 1 of the principal regulations. The Regulations also amend the principal regulations to provide that consultation on the transfer of property, rights and liabilities should be subject to the same requirements as consultation on dissolution, and may be combined with that consultation and must be with the same persons or bodies.