

Health Act 2004

Arrangements
with service
providers.

38.—(1) The Executive may, subject to its available resources and any directions issued by the Minister under *section 10*, enter, on such terms and conditions as it considers appropriate, into an arrangement with a person for the provision of a health or personal social service by that person on behalf of the Executive.

(2) Before entering into an arrangement under this section, the Executive shall determine, in respect of a financial year of the Executive, the maximum amount of funding (whether capital funding or non-capital funding) that it proposes to make available in that year under the arrangement and the level of service it expects to be provided for that funding.

(3) A service provider shall—

(a) keep, in such form as may be approved by the Executive in accordance with any general direction issued by the Minister, all proper and usual accounts and records of income received and expenditure incurred by it,

(b) submit such accounts annually for audit, and

(c) supply a copy of the audited accounts and the auditor's certificate and report on the accounts to the Executive within such period as may be specified by the Executive.

(4) The expenses of an audit of accounts submitted in accordance with *subsection (3)* are payable by the service provider submitting them for audit.

(5) The Executive may exempt from the requirements of *subsection (3)*—

(a) a service provider who in any one financial year receives from the Executive in respect of health and personal social services provided on behalf of the Executive a total sum that does not exceed the amount that may be determined by the Minister, or

(b) such other categories of service providers as may be specified by the Minister.

(6) The Executive may make such arrangements as it considers appropriate to monitor—

(a) the expenditure incurred in the provision of health or personal social services by service providers exempted under *subsection (5)*, and

(b) the provision of those services by such service providers.

(7) The Executive may request from a service provider any information that it considers material to the provision of a health or personal social service by the service provider.

(8) A service provider shall comply with a request made under *subsection (7)* to the service provider.

(9) At the Minister's request, the Executive shall supply the Minister with any information obtained in response to a request under *subsection (7)*.

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Assistance for certain bodies. 39.—(1) The Executive may, subject to any directions given by the Minister under *section 10* and on such terms and conditions as it sees fit to impose, give assistance to any person or body that provides or proposes to provide a service similar or ancillary to a service that the Executive may provide.

(2) Assistance may be provided under this section in any of the following ways:

(a) by contributing to the expenses incurred by the person or body;

(b) by permitting the use by the person or body of premises maintained by the Executive and, where requisite, executing alterations and repairs to and supplying furniture and fittings for such premises;

(c) by providing premises (with all requisite furniture and fittings) for use by the person or body.

(3) Assistance may be provided to a person under this section whether or not the person is a service provider.

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Health Act 2004

Object and functions of Executive.

7.—(1) The object of the Executive is to use the resources available to it in the most beneficial, effective and efficient manner to improve, promote and protect the health and welfare of the public.

(2) Subject to this Act, the Executive shall, to the extent practicable, further its object.

(5) In performing its functions, the Executive shall have regard to—

- (a) services provided by voluntary and other bodies that are similar or ancillary to the services the Executive is authorised to provide,
- (b) the need to co-operate with, and co-ordinate its activities with those of, other public authorities if the performance of their functions affects or could affect the health of the public,
- (c) the policies and objectives of the Government or any Minister of the Government to the extent that those policies and objectives may affect or relate to the functions of the Executive,
- (d) the resources, wherever originating, that are available to it for the purpose of performing its functions, and
- (e) the need to secure the most beneficial, effective and efficient use of those resources.

(8) Subject to this or any other enactment, the Executive has all powers necessary or expedient for it to perform its functions.

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