

SCHEDULES

SCHEDULE 4

Article 51(4).

PROVISIONS INSERTED AS SCHEDULE 2A TO THE MENTAL HEALTH (NORTHERN IRELAND) ORDER 1986

“SCHEDULE 2A

Article 50A(6).

SUPERVISION AND TREATMENT ORDERS

PART I

PRELIMINARY

1.—(1) In this Schedule “supervision and treatment order” means an order requiring the person in respect of whom it is made (“the supervised person”)—

- (a) to be under the supervision of a social worker or probation officer (“the supervising officer”) for a period specified in the order of not more than 2 years; and
- (b) to submit, during the whole of that period or such part of it as may be specified in the order, to treatment by or under the direction of a medical practitioner with a view to the improvement of his mental condition.

(2) The Secretary of State may by order direct that sub-paragraph (1) shall be amended by substituting, for the period specified in that sub-paragraph, such period as may be specified in the order.

(3) An order under sub-paragraph (2) may make in paragraph 8(2) any amendment which the Secretary of State thinks necessary in consequence of any substitution made by the order.

(4) The power of the Secretary of State to make orders under sub-paragraph (2) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

PART II

MAKING AND EFFECT OF ORDERS

Circumstances in which orders may be made

2.—(1) The court shall not make a supervision and treatment order unless it is satisfied—

- (a) that, having regard to all the circumstances of the case, the making of such an order is the most suitable means of dealing with the accused or appellant; and

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- (b) on the oral evidence of a medical practitioner appointed for the purposes of Part II by the Commission and on the written or oral evidence of one other medical practitioner, that the mental condition of the accused or appellant—
 - (i) is such as requires and may be susceptible to treatment; but
 - (ii) is not such as to warrant the making of an order under Article 50A(2)(a), or the making of a guardianship order.
- (2) The court shall not make a supervision and treatment order unless it is also satisfied—
 - (a) that the supervising officer intended to be specified in the order is willing to undertake the supervision; and
 - (b) that arrangements have been made for the treatment intended to be specified in the order (including arrangements for the reception of the accused or appellant where he is to be required to submit to treatment as a resident patient).

Making of orders and general requirements

- 3.—(1) A supervision and treatment order shall either—
- (a) specify the Board or an authorised HSS trust for the area in which the supervised person resides or will reside, and require him to be under the supervision of a social worker of that Board or authorised HSS trust; or
 - (b) specify the petty sessions district in which that person resides or will reside, and require him to be under the supervision of a probation officer appointed for or assigned to that district.
- (2) Before making such an order, the court shall explain to the supervised person in ordinary language—
- (a) the effect of the order (including any requirements proposed to be included in the order in accordance with paragraph 5); and
 - (b) that a court of summary jurisdiction has power under paragraphs 6 to 8 to review the order on the application either of the supervised person or of the supervising officer.
- (3) After making such an order, the court shall forthwith give copies of the order to a probation officer assigned to the court, and he shall give a copy—
- (a) to the supervised person;
 - (b) to the supervising officer; and
 - (c) to the Board or authorised HSS trust managing any hospital in which the supervised person is required by the order to reside.
- (4) After making such an order, the court shall also send to the clerk of petty sessions for the petty sessions district in which the supervised person resides or will reside (“the petty sessions district concerned”)—
- (a) a copy of the order; and
 - (b) such documents and information relating to the case as it considers likely to be of assistance to a court acting for that district in the exercise of its functions in relation to the order.
- (5) Where such an order is made, the supervised person shall keep in touch with the supervising officer in accordance with such instructions as he may from time to time be given by that officer and shall notify him of any change of address.

Obligatory requirements as to medical treatment

4.—(1) A supervision and treatment order shall include a requirement that the supervised person shall submit, during the whole of the period specified in the order or during such part of that period as may be so specified, to treatment by or under the direction of a medical practitioner with a view to the improvement of his mental condition.

(2) The treatment required by any such order shall be such one of the following kinds of treatment as may be specified in the order, that is to say—

- (a) treatment as an in-patient in a hospital or nursing home, not being special accommodation within the meaning of Article 110;
- (b) treatment as an out-patient at such hospital as may be specified in the order; and
- (c) treatment by or under the direction of such medical practitioner as may be so specified;

but the nature of the treatment shall not be specified in the order except as mentioned in sub-paragraph (a), (b) or (c).

(3) While the supervised person is under treatment as an in-patient in pursuance of a requirement of a supervision and treatment order, the supervising officer shall carry out the supervision to such extent only as may be necessary for the purpose of the revocation or amendment of the order.

(4) Where the medical practitioner by whom or under whose direction the supervised person is being treated for his mental condition in pursuance of a supervision and treatment order is of the opinion that part of the treatment can be better or more conveniently given in or at a hospital which—

- (a) is not specified in the order; and
- (b) is one in or at which the treatment of the supervised person will be given by or under the direction of a medical practitioner,

he may, with the consent of the supervised person, make arrangements for him to be treated accordingly.

(5) Such arrangements as are mentioned in sub-paragraph (4) may provide for the supervised person to receive part of his treatment as an in-patient in a hospital notwithstanding that the hospital is not one which could have been specified for that purpose in the supervision and treatment order.

(6) Where any such arrangements as are mentioned in sub-paragraph (4) are made for the treatment of a supervised person—

- (a) the medical practitioner by whom the arrangements are made shall give notice in writing to the supervising officer, specifying the hospital in or at which the treatment is to be carried out; and
- (b) the treatment provided for by the arrangements shall be deemed to be treatment to which he is required to submit in pursuance of the supervision and treatment order.

Optional requirements as to residence

5.—(1) Subject to sub-paragraphs (2) and (3), a supervision and treatment order may include requirements as to the residence of the supervised person.

(2) Before making such an order containing any such requirement, the court shall consider the home surroundings of the supervised person.

(3) Where such an order requires the supervised person to reside in a hospital, the period for which he is so required to reside shall be specified in the order.

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PART III

REVOCATION AND AMENDMENT OF ORDERS

Revocation of order in interests of health or welfare

6. Where a supervision and treatment order is in force in respect of any person and, on the application of the supervised person or the supervising officer, it appears to the court which made the order that, having regard to circumstances which have arisen since the order was made, it would be in the interests of the health or welfare of the supervised person that the order should be revoked, the court may revoke the order.

Amendment of order by reason of change of residence.

7.—(1) This paragraph applies where, at any time while a supervision and treatment order is in force in respect of any person, a court of summary jurisdiction acting for the petty sessions district concerned is satisfied that the supervised person proposes to change, or has changed, his residence from the district specified in the order to the area of another Board or authorised HSS trust or another petty sessions district.

(2) Subject to sub-paragraph (3), the court may, and on the application of the supervising officer shall, amend the supervision and treatment order by substituting the other area or, as the case may be, district for the area or district specified in the order.

(3) The court shall not amend under this paragraph a supervision and treatment order which contains requirements which in the opinion of the court, cannot be complied with unless the supervised person continues to reside in the area or, as the case may be, district specified in the order unless, in accordance with paragraph 8, it either—

- (a) cancels those requirements; or
- (b) substitutes for those requirements other requirements which can be complied with if the supervised person ceases to reside in that area or district.

Amendment of requirements of order

8.—(1) Without prejudice to the provisions of paragraph 7, but subject to sub-paragraph (2), a court of summary jurisdiction for the petty sessions district concerned may, on the application of the supervised person or the supervising officer, by order amend a supervision and treatment order—

- (a) by cancelling any of the requirements of the order; or
- (b) by inserting in the order (either in addition to or in substitution for any such requirement) any requirement which the court could include if it were the court by which the order was made and were then making it.

(2) The power of a court of summary jurisdiction under sub-paragraph (1) shall not include power to amend an order by extending the period specified in it beyond the end of 2 years from the date of the original order.

Amendment of requirements in pursuance of medical report

9.—(1) Where the medical practitioner by whom or under whose direction the supervised person is being treated for his mental condition in pursuance of any requirement of a supervision and treatment order—

- (a) is of the opinion mentioned in sub-paragraph (2); or

- (b) is for any reason unwilling to continue to treat or direct the treatment of the supervised person,

he shall make a report in writing to that effect to the supervising officer and that officer shall apply under paragraph 8 to a court of summary jurisdiction for the petty sessions district concerned for the variation or cancellation of the requirement.

- (2) The opinion referred to in sub-paragraph (1) is—
 - (a) that the treatment of the supervised person should be continued beyond the period specified in the supervision and treatment order;
 - (b) that the supervised person needs different treatment, being treatment of a kind to which he could be required to submit in pursuance of such an order;
 - (c) that the supervised person has failed without reasonable excuse to comply with any of the requirements of the treatment;
 - (d) that the supervised person is not susceptible to treatment; or
 - (e) that the supervised person does not require further treatment.

Supplemental

10.—(1) On the making under paragraph 6 of an order revoking a supervision and treatment order, the court shall forthwith give copies of the revoking order to the supervising officer.

(2) A supervising officer to whom in accordance with sub-paragraph (1) copies of a revoking order are given shall give a copy to the supervised person and to the person in charge of any hospital in which the supervised person was required by the order to reside.

11.—(1) On the making under paragraph 7 or 8 of an order amending a supervision and treatment order, the clerk of petty sessions shall forthwith—

- (a) if the order amends the supervision and treatment order otherwise than by substituting a new district or a new hospital for the one specified in the supervision and treatment order, give copies of the amending order to the supervising officer;
- (b) if the order amends the supervision and treatment order in the manner excepted by head (a), send to the clerk of petty sessions for the new petty sessions district concerned—
 - (i) copies of the amending order; and
 - (ii) such documents and information relating to the case as he considers likely to be of assistance to a court acting for that district in exercising its functions in relation to the order;

and in a case falling within head (b), the clerk of petty sessions for that district shall give copies of the amending order to the supervising officer.

(2) Where in accordance with sub-paragraph (1) copies of an order are given to the supervising officer, he shall give a copy to the supervised person and to the person in charge of any hospital in which the supervised person is or was required by the order to reside.”