
STATUTORY INSTRUMENTS

1972 No. 1265

Health and Personal Social Services (Northern Ireland) Order 1972

PART V

OTHER FUNCTIONS OF THE MINISTRY

Protection for property of certain persons

38.—(1) Where a person—

- (a) is admitted as a patient to any hospital or is admitted to other accommodation provided under this Order [^{F1}or the 2009 Act]; or
- (b) is removed to any other place under an order made under Schedule 6;

and it appears to the Ministry that there is danger of loss of, or damage to, any property of his by reason of his temporary or permanent inability to protect or deal with the property, and that other suitable arrangements have not been, or are not being made to prevent or mitigate the loss or damage, the Ministry shall take reasonable steps for that purpose.

(2) Paragraph (1) shall have effect in relation to persons suffering from mental disorder as if—

- (a) the reference to “hospital” included a reference to a private hospital within the meaning of the Mental Health [^{F2} Order]; and
- (b) after sub-paragraph (b) there were inserted the following words—

“or

(c) is subject to guardianship under the Mental Health [^{F2} Order];” .

(3) For the purpose of discharging the duty of the Ministry under paragraph (1), a person authorised in writing by the Ministry may, at all reasonable times, enter any premises which, immediately before the person mentioned in that paragraph was admitted or removed as aforesaid, were his place of residence or usual place of residence and may deal with any property of his in any way which is reasonably necessary to prevent or mitigate loss thereof or damage thereto.

(4) The Ministry may recover from a person admitted or removed as aforesaid, or from any person who, for the purposes of this Order, is liable to maintain him, any reasonable expenses incurred by it in relation to him under the foregoing provisions of this Article.

F1 Words in art. 38(1)(a) inserted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), s. 34\(3\), Sch. 6 para. 3\(16\)](#); S.R. 2009/114, [art. 2](#)

F2 1986 NI 4

Status:

Point in time view as at 01/04/2009. This version of this provision has been superseded.

Changes to legislation:

Health and Personal Social Services (Northern Ireland) Order 1972, Section 38 is up to date with all changes known to be in force on or before 30 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.