

STATUTORY INSTRUMENTS

1986 No. 595

The Mental Health (Northern Ireland) Order 1986

PART IX

MISCELLANEOUS FUNCTIONS OF DEPARTMENT AND BOARDS

Provision of special accommodation by Department

110. The Department may provide such accommodation (in this Order referred to as “special accommodation”) as appears to it to be necessary for persons subject to detention under this Order who, in the opinion of the Department, require treatment under conditions of special security on account of their dangerous, violent or criminal propensities.

Code of Practice

111.—(1) The Department shall prepare, and from time to time revise, a code of practice—

- (a) for the guidance of medical practitioners,^[F1] Boards, authorised ^[F2]HSC trusts] ,] staff of hospitals and approved social workers in relation to the admission of patients to hospitals and the reception of patients into guardianship under this Order; and
- (b) for the guidance of medical practitioners and members of other professions in relation to the medical treatment of patients suffering from mental disorder.

(2) The code shall, in particular, specify forms of medical treatment in addition to any specified by regulations made for the purposes of Article 63 which in the opinion of the Department give rise to special concern and which should accordingly not be given by a medical practitioner unless the patient has consented to the treatment (or to a plan of treatment including that treatment) and a certificate as to the matters mentioned in paragraphs (2)(a) and (b) of that Article has been given by another medical practitioner, being a practitioner appointed for the purposes of this Article by ^[F3]RQIA] ; and paragraph (4) of that Article shall apply to a medical practitioner appointed for the purposes of this Article as it applies to a medical practitioner appointed for the purposes of Part IV.

(3) Before preparing the code or making any alteration in it the Department shall consult ^[F3]RQIA] and such other bodies as appear to it to be concerned.

(4) The Department shall lay copies of the code and of any alteration in the code before the Assembly; and if within the statutory period the Assembly passes a resolution requiring the code or any alteration in it to be withdrawn the Department shall withdraw the code or alteration and, where it withdraws the code, shall prepare a code in substitution for the one which is withdrawn.

(5) The Department shall publish the code as for the time being in force.

F1 1994 NI 2

F2 Words in Order substituted (1.4.2009) by virtue of *Health and Social Care (Reform) Act (Northern Ireland) 2009* (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(d)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**

F3 Words in Order substituted (1.4.2009) by *Health and Social Care (Reform) Act (Northern Ireland) 2009* (c. 1), ss. 32, 34(3), **Sch. 6 para. 8(1)** (subject to Sch. 6 para. 8(2)-(4)); S.R. 2009/114, **art. 2**

Status: Point in time view as at 01/04/2016.

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General duty of Boards

112.—^[F4](1) ^[F5]The Regional Health and Social Care Board and the Regional Agency for Public Health and Social Well-being shall, to such extent as may be approved by the Department, make arrangements designed to promote mental health, to secure the prevention of mental disorder and to promote the treatment, welfare and care of persons suffering from mental disorder.

^[F4](2) This Article applies to an ^[F6]HSC trust] as it applies to a Board.]

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| F4 | 1994 NI 2 |
| F5 | Words in art. 112(1) substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 8(6); S.R. 2009/114, art. 2 |
| F6 | Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 1(1)(d) (with Sch. 6 para. 1(3)); S.R. 2009/114, art. 2 |

Miscellaneous powers of Boards

113.—^[F7](1) Without prejudice to the generality of Article 112, a Board may, to such extent as may be prescribed or approved by the Department—

- (a) pay to persons who are receiving treatment as patients (whether liable to be detained or not) in any hospital, private hospital or nursing home such amounts as the Board thinks fit in respect of those persons' occasional personal expenses where it appears to the Board that those persons would otherwise be without resources to meet those expenses;
- (b) provide financial assistance for any person absent from a hospital in pursuance of leave of absence granted under this Order, where the needs of that person are such that such assistance is necessary to give full effect to his treatment or to provide for his settlement or resettlement in the community;
- (c) contribute towards the maintenance of persons who are subject to guardianship under this Order;
- (d) provide, or co-operate in the provision of, suitable training or occupation, whether in premises provided by the Department or elsewhere, for persons suffering from mental disorder.

^[F7](2) This Article applies to an ^[F8]HSC trust] as it applies to a Board]

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| F7 | 1994 NI 2 |
| F8 | Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), Sch. 6 para. 1(1)(d) (with Sch. 6 para. 1(3)); S.R. 2009/114, art. 2 |

Modifications etc. (not altering text)

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| C1 | Art. 113 applied (with modifications) (31.3.2013) by Mental Health (Private Hospitals) Regulations (Northern Ireland) 2012 (S.R. 2012/403), regs. 1, 3(7)(a)(i), 4 |
| C2 | Art. 113 applied (with modifications.) (31.3.2013) by Mental Health (Private Hospitals) Regulations (Northern Ireland) 2013 (S.R. 2013/22), regs. 1, 3(7)(a), 4 |

Payments to medical practitioners by Boards

114.—^[F9](1) There may be paid by a Board to any medical practitioner who gives any recommendation, report or certificate required by or under this Order, such fees as may be determined by the Department, subject to such exceptions and conditions as may be so determined.

^[F9](2) This Article applies to an ^[F10]HSC trust] as it applies to a Board.]

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F9 1994 NI 2

F10 Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(d\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)

Appointment of approved social workers by Boards

115.—(1) A Board shall appoint a sufficient number of approved social workers for the purpose of discharging the functions conferred on them by this Order.

(2) No person shall be appointed by a Board as an approved social worker unless he is approved by the Board as having appropriate competence in dealing with persons who are suffering from mental disorder.

(3) In approving a person for appointment as an approved social worker a Board shall have regard to such matters as the Department may direct.

[^{F11}(4) This Article applies to an authorised [^{F12}HSC trust] as it applies to a Board]

F11 1994 NI 2

F12 Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(d\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)

Powers of Boards in relation to property of patients

116.—[^{F13}(1) Subject to paragraphs (4) and (5), where it appears to a Board that any patient in any hospital or in any accommodation managed by it is incapable, by reason of mental disorder, of managing and administering his property and affairs, the Board may receive and hold money and valuables on behalf of that patient.]

(2) A receipt or discharge given by a Board^{F13} . . . for any such money or valuables shall be treated as a valid receipt or discharge given by the patient.

(3) Where a Board^{F13} . . . holds money or valuables on behalf of a person in pursuance of paragraph (1), it may expend that money or dispose of those valuables for the benefit of that person and in the exercise of the powers conferred by this paragraph the Board^{F13} . . . shall have regard to the sentimental value that any article may have for the patient, or would have but for his mental disorder.

(4) A Board^{F13} . . . shall not receive or hold under paragraph (1) on behalf of any one patient without the consent of [^{F14}RQIA] money or valuables exceeding in the aggregate such sum as the Department may from time to time determine.

(5) Paragraph (1) shall not apply where a controller has been appointed in Northern Ireland in relation to the property and affairs of the patient.

[^{F15}(6) This Article applies to an [^{F16}HSC trust] as it applies to a Board.]

F13 1994 NI 2

F14 Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 8\(1\)](#) (subject to Sch. 6 para. 8(2)-(4)); S.R. 2009/114, [art. 2](#)

F15 1994 NI 2

F16 Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(d\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)

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Modifications etc. (not altering text)

- C3** Art. 116 applied (31.3.2013) by [Mental Health \(Private Hospitals\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/403\)](#), regs. 1, **3(7)(b)**, 4
- C4** Art. 116 applied (31.3.2013) by [Mental Health \(Private Hospitals\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/22\)](#), regs. 1, **3(7)(b)**, 4

Duty of Boards to inform nearest relative of discharge of patient

117.—(1) Where a patient liable to be detained under this Order in a hospital is to be discharged, otherwise than by virtue of an order for discharge under Article 14(1) made by his nearest relative, the responsible^{F17} authority] shall, subject to paragraph (2), take such steps as are practicable to inform the nearest relative of the patient; and that information shall, if practicable, be given at least 7 days before the date of discharge.

(2) Paragraph (1) shall not apply if the patient or his nearest relative has requested that information about the patient's discharge should not be given under this Article.

F17 1994 NI 2

Modifications etc. (not altering text)

- C5** Art. 117 applied (31.3.2013) by [Mental Health \(Private Hospitals\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/22\)](#), regs. 1, **3(7)(c)**, 4
- C6** Art. 117 applied (31.3.2013) by [Mental Health \(Private Hospitals\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/403\)](#), regs. 1, **3(7)(c)**, 4

Provision of information and affording of facilities to other bodies by Department and Boards

118.—(1) The Department and, in relation to persons within its care, a Board^{F18} . . . shall furnish such returns, reports and other information in relation to mentally disordered persons—

- (a) to the High Court and the Office of Care and Protection, as the High Court or that Office may require for the exercise of its functions under Part VIII;
- (b) to the Review Tribunal and [^{F19}RQIA] , as the Review Tribunal or [^{F19}RQIA] may require for the exercise of its functions under this Order.

(2) A Board^{F18} . . . shall afford all such facilities—

- (a) to the High Court and the Office of Care and Protection, as are necessary for them to exercise their functions under Part VIII; and
- (b) to the Review Tribunal and [^{F19}RQIA] , as are necessary for them to exercise their functions under this Order.

(3) The Department shall afford all such facilities to the Review Tribunal and [^{F19}RQIA] as are necessary for them to exercise their functions under this Order.

(4) Each Board shall—

- (a) maintain a register in such form as the Department may direct of all persons under the age of 18 years who are for the time being receiving medical treatment for mental disorder as in-patients in hospitals^{F18} managed by the Board; and]
- (b) at intervals of three months, forward to [^{F19}RQIA] a copy of the register as for the time being in force.

^{F20}(5) This Article applies to an [^{F21}HSC trust] as it applies to a Board.]

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F18 1994 NI 2

F19 Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 8(1)** (subject to Sch. 6 para. 8(2)-(4)); S.R. 2009/114, **art. 2**

F20 1994 NI 2

F21 Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(d)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**

Modifications etc. (not altering text)

C7 Art. 118 applied (with modifications) (31.3.2013) by Mental Health (Private Hospitals) Regulations (Northern Ireland) 2012 (S.R. 2012/403), regs. 1, **3(7)(d)(i)**, 4

C8 Art. 118 applied (with modifications.) (31.3.2013) by Mental Health (Private Hospitals) Regulations (Northern Ireland) 2013 (S.R. 2013/22), regs. 1, **3(7)(d)**, 4

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