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STATUTORY RULES OF NORTHERN IRELAND

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**2013 No. 22**

**Mental Health (Private Hospitals)  
Regulations (Northern Ireland) 2013**

**Application and modification of the Order**

**3.—**(1) The provisions of the Order mentioned in paragraphs (2) to (10) apply to private hospitals:—

(2) Part I (Introductory).

(3) In Part II (Compulsory admission to hospital and guardianship):—

- (a) Article 4 (Admission for assessment);
- (b) Article 5 (Person who may make application for assessment);
- (c) Article 6 (General provisions as to medical recommendation);
- (d) Article 7 (Application for assessment in respect of patient already in hospital);
- (e) Article 8 (Effect of application for assessment);
- (f) Article 9 (The assessment period);
- (g) Article 10 (Disregard of assessment period for certain purposes);
- (h) Article 11 (Rectification of applications, recommendations and reports);
- (i) Article 12 (Detention for treatment);
- (j) Article 13 (Renewal of authority for detention);
- (k) Article 14 (Discharge of patient from detention);
- (l) Article 15 (Leave of absence from hospital);
- (m) Article 16 (Correspondence of detained patients);
- (n) Article 17 (Review of decision to withhold postal packet);
- (o) Article 27 (Duty of authority to give information to patients and nearest relatives), subject to the following modifications:—
  - (i) as if, in paragraph (1), the words, “or subject to guardianship”, where they first appear, were omitted;
  - (ii) as if, in subparagraph (a) of paragraph (1), the words, “or subject to guardianship”, were omitted;
  - (iii) as if, in subparagraph (b) of paragraph (1), the words, “or guardianship”, were omitted;
  - (iv) as if, in the full out of paragraph (1), the words, “or the commencement or renewal of the authority for his guardianship”, were omitted;
  - (v) as if, in subparagraph (a) of paragraph (2), the words, “or subject to guardianship”, were omitted;
  - (vi) as if, in head (i) of paragraph (2)(a), the number, “24”, were omitted;

- (vii) as if, in subparagraph (c) of paragraph (2), the words, “or subject to guardianship”, were omitted;
- (viii) as if, in the full out of paragraph (2), the words, “or his reception into guardianship”, were omitted; and
- (ix) as if, in paragraph (4), the words, “or subject to guardianship” and “and, in the case of a patient subject under this Part to the guardianship of a person other than the responsible authority, the guardian of the patient”, were omitted;
- (p) Article 28 (Transfer of patients), subject to the following modifications:–
  - (i) as if paragraph (5) were omitted;
  - (ii) as if paragraph (6) were omitted; and
  - (iii) as if paragraph (7) were omitted;
- (q) Article 29 (Return and readmission of patients absent without leave), subject to the following modifications:–
  - (i) as if paragraph (2) were omitted;
  - (ii) as if, in paragraph (3), the words, “or subject to guardianship, as the case may be,” were omitted; and
  - (iii) as if, in paragraph (4), the words, “,7A(2)”, were omitted;
- (r) Article 30 (Special provisions as to patients without leave), subject to the following modifications:–
  - (i) as if, in paragraph (1), the words, “or subject to guardianship” and “or subject”, were omitted;
  - (ii) as if, in subparagraph (a) of paragraph (1), the words, “or place where he ought to be”, were omitted;
  - (iii) as if, in paragraph (2), the words, “or subject to guardianship” and “or 23” were omitted; and
  - (iv) as if, in paragraph (3), the words, “or guardianship” were omitted;
- (s) Article 32 (Definition of “nearest relative”), as if, in paragraph (3), the words, “or his reception into guardianship”, were omitted;
- (t) Article 33 (Children and young persons in care of Department);
- (u) Article 34 (Minors under guardianship, etc.);
- (v) Article 35 (Assignment of functions by nearest relative), as if, in paragraph (1), the words, “or subject to guardianship”, were omitted;
- (w) Article 36 (Appointment by county court of acting nearest relative), subject to the following modifications:–
  - (i) as if, in subparagraph (3)(c), the words, “or guardianship application”, were omitted; and
  - (ii) as if, in subparagraph (3)(d), the words, “or guardianship”, were omitted;
- (x) Article 37 (Discharge and variation of orders under Article 36) as if, in subparagraph (4) (a), the words, “or subject to guardianship”, were omitted;
- (y) Article 38 (Procedure on application to county court);
- (z) Article 39 (Special provisions as to wards of court);
- (aa) Article 40 (Duty of approved social workers to make application for assessment or guardianship), subject to the following modifications:–

- (i) as if, in paragraph (1), the words, “or subject to a guardianship application”, were omitted; and
  - (ii) as if, in paragraph (2), the words, “or guardianship (as the case may be)”, were omitted;
- (bb) Article 41 (Applications, recommendations and reports under Part II), as if the words, “, guardianship application”, were omitted.
- (4) Part IV (Consent to treatment).
- (5) In Part V (The Mental Health Review Tribunal for Northern Ireland):–
  - (a) Article 71 (Applications to the tribunal under Part II), subject to the following modifications:–
    - (i) as if paragraph (2) were omitted;
    - (ii) as if, in paragraph (3), the words, “or the authority for the guardianship of a patient is renewed under Article 23”, were omitted;
    - (iii) as if, in the full out of paragraph (4), the words, “or, as the case may be, Article 24(7)”, were omitted; and
    - (iv) as if, in paragraph (5), the words, “or subject to guardianship”, were omitted;
  - (b) Article 72 (References of cases of Part II patients to the tribunal), as if, in paragraph (1), the words, “or subject to guardianship”, were omitted;
  - (c) Article 73 (Duty on boards to refer cases to the tribunal) as if, in paragraph (1), the words, “or his guardianship” and “or 23”, were omitted;
  - (d) Article 77 (Power to discharge patients other than restricted patients);
  - (e) Article 81 (Visiting and examination of patients), subject to the following modifications:–
    - (i) as if the words, “or subject to guardianship”, were omitted;
  - (f) Article 82 (Applications to the tribunal).
- (6) In Part VI (Duties of RQIA in relation to Mental Health), Article 86 (Functions of RQIA), subject to the following modifications:–
  - (a) as if, in subparagraph (a) of paragraph (2), the words, “or reception into guardianship”, were omitted; and
  - (b) as if, in subparagraph (a) of paragraph (3), the words; “or subject to guardianship”, were omitted.
- (7) In Part IX (Miscellaneous functions of Department and Board):–
  - (a) Article 113 (Miscellaneous powers of boards), as if subparagraph (c) were omitted;
  - (b) Article 116 (Powers of Boards in relation to property of patients);
  - (c) Article 117 (Duty of Boards to inform nearest relative of discharge of patient);
  - (d) Article 118 (Provision of information and affording of facilities to other bodies by Departments and Boards) as if, in paragraph (4), the words, “Each Board shall”, were substituted with “Any person carrying on a private hospital shall” and the words, “managed by the board” were omitted.
- (8) In Part X (Offences), Article 124 (Assisting patients to absent themselves without leave), as if, in sub-paragraph (a) of paragraph (1), the words, “or being subject to guardianship under this Order”, were omitted.
- (9) In Part XI (Miscellaneous and supplementary), Article 134 (Patients removed to or from Northern Ireland), subject to the following modifications:–

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- (a) as if, in paragraph (1), the words, “or received into guardianship there” and “or reception” were omitted;
  - (b) as if, in paragraph (2), the words, “or received into guardianship” were omitted;
  - (c) as if paragraph (3) were omitted;
  - (d) as if, in paragraph (4), the words, “or subject to guardianship”, “, or placed under guardianship,” and “or III (other than Articles 42,43 or 45)” were omitted;
  - (e) as if paragraph (5) were omitted; and
  - (f) as if, in paragraph (6), the words, “the Secretary of State or”, where they occur twice, were omitted.
- (10) Schedule 1 (Persons by whom a medical recommendation or medical report under Article 12 may not be given).