

EXPLANATORY MEMORANDUM TO

The Coronavirus Act 2020 (Suspension) Order (Northern Ireland) 2020

2020 No. 141.

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Health to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 88(1) of the Coronavirus Act 2020 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of this Order is to suspend the amendments relating to the Mental Health (Northern Ireland) Order 1986 found in Part 2 of Schedule 10 to the Coronavirus Act 2020 and related provisions in section 10(3) of the Act and Part 1 of Schedule 10 to the Act insofar as both relate to Part 2 of Schedule 10 to the Act.

3. Background

- 3.1. The Mental Health (Northern Ireland) Order 1986 makes provisions for compulsory treatment, admission and detention of persons suffering from a mental disorder or severe mental impairment.
- 3.2. Section 10(3) of and Schedule 10 to the Coronavirus Act 2020 makes amendments to the Mental Health Order to ensure that the Order can function with the extreme pressures of the Coronavirus pandemic.
- 3.3. The Coronavirus Act 2020 allows the amendments to be suspended when there is no longer an immediate need for the amendments, without repealing the Act to ensure that the amendments can be turned back on if there are new COVID-19 surges.
- 3.4. This Order suspends the provisions relating to the Mental Health (Northern Ireland).

4. Consultation

- 4.1. The Department has consulted with the HSC Trusts, the HSC Board, PHA, professional bodies and others. The meetings and consultation did not raise any significant issues that required changes to the overall approach.

5. Equality Impact

- 5.1. In accordance with guidance produced by the Equality Commission for Northern Ireland and in keeping with Regulation 75 of the Northern Ireland Act 1998, the proposals for the Order have been screened for equality impact and it is concluded that a full Equality Impact Assessment is not required.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment (RIA) screening was carried out prior to consultation. The screening concluded that the Statutory Rule will have negligible cost impact on businesses, charities, social economy enterprises or the voluntary sector in Northern Ireland and will not otherwise adversely affect these groups. The Department considers that a full RIA is not required.

7. Financial Implications

- 7.1. There will be no cost impact on businesses, charities, social economy enterprises or the voluntary sector in Northern Ireland.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Statutory Rule is not deemed to breach Section 24 of the Northern Ireland Act 1998 as it is considered to be compatible with any of the Convention rights or community law and does not discriminate against a person on the grounds of religious belief or political opinion.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. Not applicable.
- 10.2. Other statutory frameworks exist in other jurisdictions. However, these other frameworks are significantly different and the technical details in this instrument are not relevant to other systems.

11. Additional Information

- 11.1. Not applicable.