



# Disabled Persons (Northern Ireland) Act 1989

## 1989 CHAPTER 10

PROSPECTIVE

### **1 Appointment of authorised representatives of disabled persons.**

- (1) In this Act “authorised representative”, in relation to a disabled person, means a person for the time being appointed by or on behalf of that disabled person (in accordance with regulations made under this section) to act as his authorised representative for the purposes of this Act.
- (2) The Department of Health and Social Services for Northern Ireland (in this Act referred to as “the Department”) may by regulations make provision with respect to the appointment of persons to act as the authorised representatives of disabled persons, including provision—
  - (a) for the manner in which the appointment of a person as an authorised representative is to be made; and
  - [<sup>F1</sup>(b) for any such appointment to be notified to a relevant authority.]
- (3) Any such regulations—
  - (a) may provide for the parent of a disabled person under the age of 16 to appoint himself or some other person as the authorised representative of the disabled person (but shall not permit a person under that age himself to appoint a person as his authorised representative);
  - (b) may provide for the appointment of a person as the authorised representative of a disabled person who is a child [<sup>F2</sup>looked after by a relevant authority to be made by the][<sup>F3</sup>relevant authority] in such circumstances as may be specified in the regulations;
  - (c) may, in accordance with subsection (4), provide for the appointment of a person as the authorised representative of a disabled person to be made by, or under arrangements made by, a [<sup>F3</sup>relevant authority] in a case where the disabled person appears to the [<sup>F3</sup>relevant authority] to be unable to appoint

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- a person as his authorised representative by reason of any mental or physical incapacity;
- (d) may contain such incidental or supplementary provisions as the Department thinks fit.
- (4) Regulations under paragraph (c) of subsection (3) may make provision—
- (a) for requiring a [<sup>F3</sup>relevant authority], for the purpose of enabling it to determine whether a disabled person is unable to appoint a person as his authorised representative as mentioned in that paragraph, to obtain the opinion of a registered medical practitioner;
- (b) for authorising a [<sup>F3</sup>relevant authority], where it determines that a disabled person is so unable, either—
- (i) itself to appoint a person as the disabled person's authorised representative, or
- (ii) to make with any voluntary organisation, person or persons approved by the [<sup>F3</sup>relevant authority] for the purpose such arrangements as the [<sup>F3</sup>relevant authority] thinks fit for such an appointment to be made by the organisation, person or persons concerned;
- (c) for requiring or authorising a [<sup>F3</sup>relevant authority], before determining the question specified in paragraph (a), or (as the case may be) before making any appointment of an authorised representative, or any arrangements, in pursuance of paragraph (b), to consult any of the following, namely,—
- (i) a person or persons appointed by the [<sup>F3</sup>relevant authority] for the purpose, or
- (ii) a person or persons falling within any class or description specified in the regulations;
- (d) for requiring a [<sup>F3</sup>relevant authority], in such circumstances as may be specified in the regulations, to review the case of a disabled person whose authorised representative has been appointed in pursuance of paragraph (b) (whether by the [<sup>F3</sup>relevant authority] or under any arrangements made by it) for the purpose of determining whether he is still unable to appoint a person as his authorised representative as mentioned in subsection (3)(c).
- (5) Subsections (2) to (4) shall apply, with any necessary modifications, in relation to the termination of the appointment of a person as an authorised representative as they apply in relation to the making of such an appointment.
- (6) It is hereby declared that any person exercising under Part II of the Mental Health Order—
- (a) the functions of the nearest relative of a disabled person, or
- (b) the functions of the guardian of a disabled person received into guardianship under that Part,
- may, if appointed as such in accordance with this section, also act as that person's authorised representative.

#### Textual Amendments

- F1** S. 1(2)(b) substituted (1.4.1994) by S.I. 1994/429 (N.I. 2), arts. 1(3), 7(1), **Sch. 1**
- F2** S. 1(3)(b) substituted (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(1), **Sch. 9 para. 168** (with Sch. 8 para. 1); S.I. 1996/297, **art. 2(2)**

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**F3** Words in s. 1 substituted (1.4.1994) by S.I. 1994/429 (N.I. 2), arts. 1(3), 7(1), **Sch. 1**

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There are currently no known outstanding effects for the *Disabled Persons (Northern Ireland) Act 1989*, Section 1.