



Disabled Persons (Northern Ireland) Act 1989

1989 CHAPTER 10

[^{F17} **Persons discharged from hospital accommodation.**

- (1) Where a person is to be discharged from hospital accommodation after having received medical treatment for mental disorder as an in-patient for a continuous period of not less than 6 months ending with the date on which he is to be discharged, the [^{F2}HSC trust] managing the hospital accommodation shall, as soon as is reasonably practicable after that date is known to it, give written notification of that date in accordance with subsection (3).
- (2) Where—
 - (a) a person liable to be detained under the Mental Health Order is discharged from hospital accommodation in pursuance of an order for his immediate discharge made by the Mental Health Review Tribunal for Northern Ireland, and
 - (b) he is so discharged after having received medical treatment for mental disorder as an in-patient for a continuous period of not less than 6 months ending with the date of his discharge,the [^{F2}HSC trust] managing the hospital accommodation shall, as soon as is reasonably practicable, give written notification of that person's discharge in accordance with subsection (3).
- (3) Notification under subsection (1) or (2) with respect to any person shall be given to any [^{F2}HSC trust] whose functions appear to include the provision of any health or personal social services which that person may need.
- (4) Where—
 - (a) [^{F3}an HSC trust] receives a notification given under subsection (1) or (2) with respect to a person who is under the age of 19 on the date on which he is to be, or is, discharged; or
 - (b) the [^{F4}the HSC trust] managing the hospital accommodation from which such a person is to be, or is, discharged as mentioned in subsection (1) or

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- (2) has functions which include the provision of any services mentioned in subsection (3),
- that ^{F5}... trust shall, as soon as is reasonably practicable, give written notification of the date on which that person is to be, or is, discharged to [^{F6}the Authority].
- (5) Where—
- (a) [^{F7}an HSC trust] receives a notification given with respect to a person under subsection (1) or (2), or
 - (b) [^{F8}the HSC trust] managing the hospital accommodation from which a person is to be, or is, discharged as mentioned in subsection (1) or (2) has functions which include the provision of any services mentioned in subsection (3),
- that ^{F9}... trust shall, subject to subsection (8), make arrangements for an assessment of the needs of that person with respect to the provision of any health or personal social services the provision of which falls within the functions of that Board or trust.
- (6) In making any arrangements under subsection (5) [^{F10}an HSC trust] falling within paragraph (a) of that subsection shall consult [^{F11}the HSC trust] managing the hospital accommodation in question.
- (7) Any assessment for which arrangements are required to be made by subsection (5) shall be carried out—
- (a) where the person is to be discharged as described in subsection (1), not later than the date mentioned in that subsection, or
 - (b) where the person is discharged as described in subsection (2), as soon as is reasonably practicable after the date of his discharge.
- (8) [^{F12}An HSC trust] shall not be required to make arrangements for an assessment of the needs of a person by virtue of subsection (5) if that person has requested it not to make any such arrangements.
- (9) Nothing in this section shall apply in relation to a person who is being discharged from any hospital accommodation for the purpose of being transferred to other hospital accommodation in which he will be an in-patient (whether or not he will be receiving medical treatment for mental disorder); but any reference in subsection (1) or (2) to a person's having received medical treatment for mental disorder as an in-patient for the period mentioned in that subsection is a reference to his having received such treatment for that period whether or not he received the treatment at the same hospital accommodation throughout that period and disregarding any interruption of that period attributable to his being transferred to other hospital accommodation.
- (10) In this section “medical treatment” has the meaning given by Article 2(2) of the Mental Health Order.]

Textual Amendments

- F1** S. 7 substituted (1.4.1994) by S.I. 1994/429, arts. 1(3), 7(1), **Sch. 1**
- F2** Words in s. 7(1)-(3) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(2)**; S.R. 2022/102, art. 2(b)
- F3** Words in s. 7(4)(a) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(3)(a)**; S.R. 2022/102, art. 2(b)
- F4** Words in s. 7(4)(b) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(3)(b)**; S.R. 2022/102, art. 2(b)

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- F5** Words in s. 7(4) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(3)(c)**; S.R. 2022/102, art. 2(b)
- F6** Words in s. 7(4) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 10(8)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F7** Words in s. 7(5)(a) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(4)(a)**; S.R. 2022/102, art. 2(b)
- F8** Words in s. 7(5)(b) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(4)(b)**; S.R. 2022/102, art. 2(b)
- F9** Words in s. 7(5) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(4)(c)**; S.R. 2022/102, art. 2(b)
- F10** Words in s. 7(6) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(5)(a)**; S.R. 2022/102, art. 2(b)
- F11** Words in s. 7(6) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(5)(b)**; S.R. 2022/102, art. 2(b)
- F12** Words in s. 7(8) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(6)**; S.R. 2022/102, art. 2(b)

Changes to legislation:

There are currently no known outstanding effects for the Disabled Persons (Northern Ireland) Act 1989, Section 7.