STATUTORY RULES OF NORTHERN IRELAND

2013 No. 22

MENTAL HEALTH SERVICES

PRIVATE HOSPITALS

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

Made - - - -	*4th February 2013*
Affirmed by resolution of the Assembly - - - -	*11th March 2013*
Coming into operation	*31st March 2013*

The Department of Health, Social Services and Public Safety(**1**) makes the following Regulations in exercise of the powers conferred on it by Article 95 of the Mental Health (Northern Ireland) Order 1986(**2**).

Citation and commencement

1. These Regulations may be cited as the Mental Health (Private Hospitals) Regulations (Northern Ireland) 2013 and shall come into operation on 31st March 2013.

Interpretation

2. In these Regulations:–

"the Order" means the Mental Health (Northern Ireland) Order 1986;

"HSC Trust" means a Health and Social Care Trust established by Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991(**3**) and renamed by Article 1(3) of the Health and Social Care (Reform) Act (Northern Ireland) 2009(**4**).

Application and modification of the Order

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

(**1**) S.I. 1999/283 (N.I.1) Article 3(6)
(**2**) S.I. 1986/595 (N.I.4)
(**3**) S.I. 1991/194 (N.I. 1)
(**4**) 2009 c. 1 (N.I.)

(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 (l), 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;