1993 No. 58

MENTAL HEALTH

The Mental Health (HSS Trusts — Consequential Amendments) Regulations (Northern Ireland) 1993

Made . . . . . 17th February 1993

Coming into operation . . 1st April 1993

To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 134A of the Mental Health (Northern Ireland) Order 1986(**a**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Mental Health (HSS Trusts — Consequential Amendments) Regulations (Northern Ireland) 1993 and shall come into operation on 1st April 1993.

Amendments to the Mental Health (Northern Ireland) Order 1986

2. The Mental Health (Northern Ireland) Order 1986 shall be amended as follows—

(*a*) in Article 2(2)—

(i) in the definition of ''hospital'' the words ''or in an HSS trust'' shall be inserted after ''Department'';

(ii) after the definition of ''hospital order'' there shall be inserted the following definition—

''HSS trust'' means a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991(**b**);''; and

(iii) for paragraph (*a*) of the definition of ''responsible Board'' there shall be substituted the following paragraph—

''(*a*) in relation to a patient who is in, or is liable to be detained in,—

(i) a hospital administered by a Board, the Board administering that hospital; or

(**a**) S.I. 1986/595 (N.I. 4); as amended by S.I. 1991/194 (N.I. 1)
(**b**) S.I. 1991/194 (N.I. 1)

(ii) a hospital managed by an HSS trust, the Board for the area in which that hospital is situated;'';

(*b*) in Article 8(2)(*a*), after the words ''responsible Board'' there shall be inserted the words '', or the HSS trust acting on behalf of the responsible Board,'';

(*c*) in Article 12(1), after the words ''responsible Board'' in the second place where they occur, there shall be inserted the words '', or the HSS trust acting on behalf of the responsible Board,'';

(*d*) in Articles 28(4)(*b*), 42(9)(*d*) and 46(1), (2)(*b*) and (3)(*c*), after the words ''Board administering'' there shall be inserted the words '', or the HSS trust managing,'';

(*e*) in Article 61(2), after the word ''Board'' there shall be inserted the words ''or the managing HSS trust'';

(*f*) in Article 86(2)(*c*), after the word ''Board''—

(i) in the first place where it occurs there shall be inserted the words '', an HSS trust''; and

(ii) in the second place where it occurs there shall be inserted the words '', the HSS trust'';

(*g*) in Article 107, after paragraph (1) there shall be inserted the following paragraph—

''(1A) Where an HSS trust is satisfied—

(*a*) that any person in a hospital managed by the HSS trust is incapable, by reason of mental disorder, of managing and administering his property and affairs;

(*b*) that any of the powers of the court under Article 98 or 99 ought to be exercised with respect to the property or affairs of that person; and

(*c*) that arrangements in that behalf have neither been made nor are being made,

it shall be the duty of the HSS trust to notify the Office of Care and Protection of those matters.'';

(*h*) in Article 108(2), after the word ''Board,'' there shall be inserted the words ''HSS trust,'';

(*i*) in Article 111(1)(*a*), after the word ''Boards,'' there shall be inserted the words ''HSS trusts,'';

(*j*) in Article 116—

(i) for paragraph (1) there shall be substituted the following paragraph—

''(1) Subject to paragraphs (4) and (5), where it appears—

(*a*) to a Board that any patient in any hospital or in any accommodation administered by it under the Health and Personal Social Services (Northern Ireland) Order 1972; or

(*b*) to an HSS trust that any patient in any hospital managed by it,