Dated this 27th day of March, 1962.

Wm. J. Morgan,
Minister of Health and Local Government.

EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its general purport.)

This Order brings into operation as from 2nd April, 1962, all the remaining provisions of the Mental Health Act (Northern Ireland), 1961, except those relating to the transfer of patients between Northern Ireland and England and Wales and Scotland.

The Order brings these transfer provisions into operation as from 1st June, 1962, being the date on which the corresponding provisions of the Mental Health (Scotland) Act, 1960 will come into operation.

On and from 1st June, 1962, all the provisions of the Mental Health Act (Northern Ireland), 1961 will be in operation.

1962. No. 55 **[C]**

MENTAL HEALTH

REGULATIONS, DATED 27TH MARCH, 1962, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER THE MENTAL HEALTH ACT (NORTHERN IRELAND), 1961.

The Ministry of Health and Local Government, in exercise of the powers conferred on it by Sections 24 and 112 of the Mental Health Act (Northern Ireland), 1961(a), and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Mental Health (Formal Procedures) Regulations (Northern Ireland), 1962, and shall come into operation on the 2nd day of April, 1962.

2. In these Regulations "The Act" means the Mental Health Act (Northern Ireland), 1961.

GUARDIANSHIP

3. It shall be the duty of the guardian, subject to such directions as may be given to him from time to time by the management committee to which application for guardianship has been made—

(*a*) to make arrangements for ensuring that the patient resides with him, save in the case of a patient received into the guardianship of a local authority;

(*b*) to furnish to the management committee such reports or other information with regard to the patient as the management committee may from time to time require;

(*c*) to make arrangements for securing the provision of a personal medical and dental service for the patient, whether under the Health Services Act (Northern Ireland), 1948(b), or otherwise, and to notify the management committee accordingly;

(a) 1961, c. 15. (b) 1948, c. 3.

(*d*) to notify the management committee, within seven days, of any change of residence;

(*e*) to make arrangements to ensure that the patient is not removed to any place outside Northern Ireland without the previous consent of the management committee;

(*f*) to arrange, if so required by the management committee, for the attendance of the patient at a place of training or instruction; and

(*g*) to notify the management committee, within twenty-four hours, in the event of the death of the patient or the termination of the guardianship by discharge under Section 35 of the Act:

Provided that this Regulation shall not apply where the management committee itself assumes the guardianship or where the guardianship rests in the management committee under Section 23 of the Act.

4. The guardian may restrict to such extent as he thinks necessary the making of visits to the patient and may prohibit visits by any person whom the guardian has reason to believe may have an adverse effect on the patient. Nothing in this regulation shall, however, operate to restrict the visits of any person authorised in that behalf by the management committee [or under any enactment] or to overrule any direction given under Regulation 3.

5. It shall be the duty of the management committee to arrange for every patient who is subject to guardianship to be visited at such intervals as the management committee may decide, but in any case at intervals of not more than three months. At least one such visit in any year shall be made by a medical practitioner appointed for the purposes of Section 19 of the Act.

FORMS TO BE USED UNDER PART II AND THE FOURTH SCHEDULE

6. Subject to the provisions of the Act and of these Regulations, the forms in the Schedule shall be used wherever appropriate in connection with the procedures under Part II of the Act or under the Fourth Schedule thereto.

MEDICAL EXAMINATION OF PERSON APPEARING TO REQUIRE SPECIAL CARE

7.—(1) Where by virtue of sub-section (4) of Section 9 of the Act a nearest relative attends a medical examination he shall be subject to the provisions of this Regulation.

(2) Where, during the course of a medical examination, the medical officer is of opinion that it is not in the interests of the person being examined that the nearest relative should continue to be present during the examination or that a proper examination cannot be carried out in the presence of the nearest relative, then the medical officer may direct the nearest relative to leave the place of examination and the nearest relative shall forthwith comply with any such direction.

(3) Before giving a direction under the preceding paragraph the medical officer shall explain to the nearest relative why it is not possible for a proper examination to be carried out in his presence.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this 27th day of March, nineteen hundred and sixty-two.

(L.S.) *Ronald Green,*
Secretary.

FORM NO. 1

SCHEDULE

Section 8(1)

MENTAL HEALTH ACT (NORTHERN IRELAND), 1961

Notice that a person appears to require special care

Re [*name of patient*] .....

of [*address*] .....

.....

The above-named person who is $\frac{\text{*over sixteen years}}{\text{*under two years}}$ of age is, in my opinion, suffering from arrested or incomplete development of mind to such an extent that steps should be taken, in his/her own interests or for the protection of other persons, to ascertain whether he/she is a person requiring special care within the meaning of the Mental Health Act (Northern Ireland), 1961.

Signed .....

*Medical Practitioner

*On behalf of ..... Health Authority

*On behalf of ..... Welfare Authority

Date .....

Address .....

.....

To ..... Management Committee

.....

*Delete if not applicable.

Notes: (1) This form is intended for use when the patient concerned or the nearest relative is willing to accept facilities for hospital treatment or guardianship. If the need for compulsory procedures is obvious forms Nos. 2, 2a, 7 and 7a may be used for notification and initial medical recommendation.

(2) In the case of a child between the ages of two and sixteen years, action will arise under the Education Act (Northern Ireland), 1947.

FORM NO. 2

Sections 12, 13 and 14

MENTAL HEALTH ACT (NORTHERN IRELAND), 1961

Application and recommendation for admission to hospital

PART I

Re [*name of patient*] .....
of [*address*] .....
.....

1. I, [*name of applicant*] .....
of [*address of applicant*] .....
hereby apply for the admission of the above-named patient to .....
..... hospital.

2. *I am the patient's nearest relative within the meaning of the Act, and I am related in the following manner .....

or

*I have been authorised by a county court to exercise the functions of the nearest relative under the Act, and I attach hereto a copy of the court order.

3. I last saw the patient on [*date*] .....

4. This application is founded on the medical recommendation set out in Part II hereunder.

Signed .....
Date .....

*Delete if not applicable.

PART II

1. I, [*name of medical practitioner*] .....
of [*address*] .....
being a registered medical practitioner, hereby recommend that the patient named in Part I of this Form be admitted to hospital.

2. I last examined the patient on [*date*] .....

3. I am of the opinion

(*a*) that the patient *is suffering from mental illness / *requires special care ; and

(*b*) that the mental disorder is of a nature or degree which warrants the patient's detention in hospital; and

(*c*) that it is necessary that the patient should be so detained in hospital in the interests of his/her own health or safety or for the protection of other persons.

4. My opinion at 3(*a*) and (*b*) is based on the following grounds [*a clinical description of the patient's mental condition should be given*] .....
.....
.....
.....
.....

5. My opinion at 3(*c*) is based on the following grounds [*this should include a statement as to whether other methods of care and treatment are available and if so why are they not appropriate; and why informal admission is not suitable*]
.....
.....
.....
.....

6. *I am the patient's medical practitioner
*I had/had not previous acquaintance with the patient.

Signed .....
Date .....

To ..... Management Committee
.....

*Delete if not applicable.

Note: Where it is obvious that compulsory procedures will have to be used for a person who appears to require special care this form of recommendation may be used in place of the initial notification (Form No. 1).

FORM No. 2a

Sections 12, 13 and 14

MENTAL HEALTH ACT (NORTHERN IRELAND), 1961

Application and recommendation for admission to hospital

(For use by a welfare officer)

PART I

Re [*name of patient*] .....
of [*address*] .....
.....

1. I, [*name*] ....., welfare officer for .....
hereby apply for the admission of the above-named patient to .....
..... hospital.

2. *I have consulted ..... of .....
who is, to the best of my knowledge and belief, the patient's nearest relative within the meaning of the Act.

or

*I have consulted ..... of .....
who has been authorised by the county court to exercise the functions of the patient's nearest relative.

3. *The above-named person, who has been consulted, has not notified me or the welfare authority by whom I am designated that he/she objects to the making of this application.

4.*I have been unable to ascertain who is the patient's nearest relative

or

*So far as I can ascertain the patient has no nearest relative

or

*In my opinion it $\frac{\text{*is not reasonably practicable}}{\text{*would involve unreasonable delay}}$ to consult [*name*] .....
..... of [*address*] .....
*who is the patient's nearest relative
*who is authorised to exercise the functions of the patient's nearest relative before making this application.

5. I last saw the patient on [*date*] .....

6. This application is founded on the medical recommendation set out in Part II hereunder.

Signed .....

Date .....

*Delete if not applicable.

PART II

1. I, [*name of medical practitioner*] .....
of [*address*] .....
being a registered medical practitioner, hereby recommend that the patient named in Part I of this Form be admitted to hospital.