hundred and fifty, shall be at the rate of forty-three shillings and nine pence (43s. 9d.) for each week during which he is so detained.

2. Payment of the contribution as aforesaid shall be in arrear, and shall be made half-yearly by the council of the county or county borough in respect of the half years ending 30th September and 31st March, respectively, and shall be made not later than two months from the date of the claim for payment.

3. These Regulations may be cited as the Malone Training School (Contributions) Regulations, 1949.

Given under the Official Seal of the Ministry of Home Affairs for Northern Ireland this 25th day of November, One Thousand Nine Hundred and Forty-nine in the presence of

(L.S.) (Signed) *H. C. Montgomery*,
Assistant Secretary.

The Ministry of Finance for Northern Ireland hereby approves the foregoing Regulations. Given under the Official Seal of the Ministry of Finance for Northern Ireland this 28th day of November, One Thousand Nine Hundred and Forty-nine in the presence of

(L.S.) (Signed) *Thom M'Crea*,
Assistant Secretary.

MENTAL HEALTH

Regulations, *p* 243 | *Institutions*, *p* 251

REGULATIONS, DATED THE 20TH DAY OF APRIL, 1949, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER THE MENTAL HEALTH ACT (NORTHERN IRELAND), 1948.

1949. No. 90

The Ministry of Health and Local Government for Northern Ireland in exercise of the powers conferred on it by sections 34 and 100 of the Mental Health Act (Northern Ireland), 1948, 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 (No. 3) Regulations (Northern Ireland), 1949. Short Title.

Inter-pretation.

2. The Interpretation Act, 1921, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

3.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them :—

" the Act " means the Mental Health Act (Northern Ireland), 1948 ;

" the Ministry " means the Ministry of Health and Local Government ;

" the Authority " means the Northern Ireland Hospitals Authority ;

" patient " means a person who has been ascertained to be a person requiring special care within the meaning of the Act ;

" the Schedule " means the Schedule to these Regulations ;

" treatment authorisation " has the meaning assigned to it by section 105 of the Act.

(2) Any reference in these Regulations to a form set out in the Schedule shall be deemed to include a reference to a form substantially corresponding thereto.

Notice of applications for variation or revocation of judicial orders.

4.—(1) Where any of the persons referred to in paragraph (*a*) of sub-section (1) of section 34 of the Act proposes to apply for the variation or revocation of a judicial order made under section 33 of the Act it shall be the duty of that person to give to the patient, or the parent or guardian of the patient, or the Authority, as the case may be, not less than fourteen clear days' notice of his intention so to apply :

Provided that notice of the application may be dispensed with where an application is proposed to be made by a duly authorised officer of the Authority and where a medical officer possessing the qualifications set out in Regulation 63 of the Mental Health (No. 2) Regulations (Northern Ireland), 1948, has certified that the patient, by reason of his state of mental development, is incapable of appreciating the nature of such notice or of making any decision in relation thereto.

(2) Where an application is to be made for the revocation of an order which by virtue of section 36 of the Act is deemed to be a judicial order and which relates to a patient in respect of whom either the indictment or charge is still pending or sentence has not been pronounced, it shall be the duty of the Authority forthwith to notify the Attorney General for Northern Ireland—

(*a*) of the receipt by them of notice of the application ;

(*b*) if the order is revoked, of the revocation.

5. An application for the variation or revocation of a judicial order shall be in the form S.C. 22 in the Schedule. Form S.C. 22.

6.—(1) An application for the variation or revocation of a judicial order, other than an order referred to in the next succeeding paragraph of this Regulation, shall be accompanied by a copy of each of the following documents :— Documents to accompany applications.

(*a*) the judicial order to which the application relates ;
(*b*) the petition for that judicial order ;
(*c*) the statement of particulars submitted with that petition ;
(*d*) the medical certificate submitted with that petition.

(2) An application for the variation or revocation of an order which by virtue of section 36 of the Act is deemed to be a judicial order shall be accompanied by the following documents :— Form S.C. 23.

(*a*) a copy of the order of the court to which the application relates ;
(*b*) a statement of particulars in the form S.C.23 in the Schedule.

(3) Where the application is made by the patient or by the parent or guardian of the patient it shall be the duty of the Authority to furnish to the person making the application copies of the documents referred to in paragraphs 1 or 2, as the case may be, of this Regulation other than the statement of particulars referred to in paragraph 2.

(4) Every such application as aforesaid shall in addition be accompanied by a medical certificate signed by a medical officer of the Authority or by a medical practitioner, as the case may be, possessing the qualifications set out in Regulation 63 of the Mental Health (No. 2) Regulations (Northern Ireland), 1948, completed not earlier than three months before the date of the application.

7. The medical certificate referred to in paragraph 4 of the preceding Regulation shall be in the form S.C.24 in the Schedule. Form S.C. 24.

8. An application for variation or revocation of a judicial order shall not be made on behalf of the Authority nor a medical certificate completed by an officer of the Authority or by a medical practitioner who is the spouse or a relative of the patient, or of the spouse of the patient, to whom the judicial order relates. Persons debarred from making applications or completing medical certificates

9.—(1) A patient or his parent or guardian who has received from the Authority a notice under Regulation 4 of these Regulations may, before the date of the hearing of the application, lodge with the Authority such written statement or representations as he thinks fit ; and any statement or representations so lodged before the presentation of the application shall accompany the application and if lodged after such presentation and before the determination of the proceedings shall be submitted to the judicial authority. Submission of statements, etc. to judicial authority.

(2) Where the Authority have received from a patient or his parent or guardian a notice under Regulation 4 of these Regulations the Authority may submit to the judicial authority such written statement or representations or medical evidence as they think fit; and any such statement or representations or medical evidence so lodged shall be made available to the person by whom the notice was given.

Rights of certain persons to appear before judicial authority.

10. Any person who has received a notice under Regulation 4 of these Regulations or any duly authorised officer of the Authority shall, if he has so requested in any statement or representations submitted to a judicial authority under Regulation 9 of these Regulations, have the right to appear before the judicial authority in person or be represented by solicitor or counsel.

Conduct of proceedings before judicial authority.

11. Proceedings before the judicial authority shall, unless otherwise desired by the patient or by his parent or guardian, be conducted in private and if the proceedings are so conducted no person shall, without leave of the judicial authority, be permitted to be present, except the person making the application, the patient, the parents or guardian of the patient and any two persons appointed for the purpose by the patient or by his parent or guardian, the person signing the medical certificate accompanying the application or, where the application is not made by the Authority, the medical officer of the Authority submitting medical evidence, persons attending to give evidence and solicitors and counsel.

Making of orders.

Forms S.C. 25 & 26.

12. If the judicial authority is satisfied that in the interests of the patient or in the public interest it is desirable so to do he shall forthwith make an order varying the previous order or shall revoke the previous order. Any order so made shall be in the form S.C.25 in the Schedule in respect of an application under paragraph 2 of Regulation 4 of these Regulations for the revocation of any such order as is referred to therein and in the form S.C.26 in the Schedule in respect of any other application.

Dismissal or adjournment of applications.

13. If the judicial authority is not satisfied that the previous order should be varied or revoked he may either dismiss the application or may adjourn the proceedings for a period not exceeding twenty-one days for further evidence or information, and may order that the patient shall submit himself or be submitted to examination by a medical practitioner whose name is included in a list, maintained by the Ministry, of medical practitioners possessing the qualifications set out in Regulation 63 of the Mental Health (No. 2) Regulations (Northern Ireland), 1948.

Furnishing of information to Ministry by judicial authority.

14. Any judicial authority varying or revoking or refusing to vary or revoke a judicial order shall, if so required by the Ministry, furnish to the Ministry all such information as may be so required as to the circumstances in which he varied or revoked or refused to vary or revoke the order.

15. Notwithstanding anything in the Act or these Regulations, an application for the variation or revocation of a judicial order may, by leave of the judicial authority, be withdrawn at any time before the proceedings thereon are finally determined. Withdrawal of applications.

16. Where under sub-section (5) of section 34 of the Act a patient or his parent or guardian consents in writing to the patient receiving a form of special care different from that which he is then receiving the form of consent shall be in the Form S.C.27 in the Schedule. Form of consent to variation of treatment authorisation under Section 29 Form S.C. 27.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this twentieth day of April, 1949, in the presence of

(L.S.) *J. E. Pittaway,*
Assistant Secretary.

The above Regulations were approved by resolution of the House of Commons on the 24th day of May, 1949, and by resolution of the Senate on the 31st day of May, 1949.

SCHEDULE

Regulation 5.
(No. 3 Regulations)

FORM S.C. 22

MENTAL HEALTH ACT (NORTHERN IRELAND), 1948

APPLICATION FOR VARIATION OR REVOCATION OF A JUDICIAL ORDER.

Re .....

Address .....

.....

(1) In the matter of the above-named.
(2) To....., a judicial authority.
(3) The said.....is a person requiring special care within the meaning of the Mental Health Act (Northern Ireland), 1948, by virtue of an Order by.....(a judicial authority) and the said.....is receiving special care—
* (*a*) under the supervision of the Northern Ireland Hospitals Authority,
(*b*) under the guardianship of.....of.....,
(*c*) in the.....institution,
as ordered by the said judicial authority. * Delete whichever is inapplicable.

(4) *I....., a duly authorised officer of the Northern Ireland Hospitals Authority,
I....., the parent/guardian of the said.....,
I....., the person to whom the judicial order dated .....19 relates,
hereby apply for an order in respect of the said.....
* (*a*) placing him/her under the supervision of the Northern Ireland Hospitals Authority;
(*b*) placing him/her under the guardianship of.....of.....;
(*c*) sending him/her to.....institution;
(*d*) revoking the order dated.....made by.....a judicial authority as from.....19 . * Delete whichever is inapplicable.

†(5) Copies of the following documents are attached :—
(*a*) the judicial order to which this application relates;
(*b*) the petition for that judicial order;

(*c*) the statement of particulars which accompanied that petition ;
(*d*) the medical certificate which accompanied that petition ;
(*e*) a medical certificate signed by a medical officer of the Northern Ireland Hospitals Authority/by ..... dated ..... 19 .

†(6) The following documents are attached :—
(*a*) copy of the order of the court to which the application relates ;
(*b*) a statement of particulars ;
(*c*) a medical certificate signed by a medical officer of the Northern Ireland Hospitals Authority/by ..... dated ..... 19 .

Signed : .....

Address ; .....

.....

†NOTE—Complete paragraph 5 if application is made under Regulation 6(1) of the No. 3 Regulations. Complete paragraph 6 if application is made under Regulation 6(2) of those Regulations.

Regulation 6(2).
(No. 3 Regulations)

FORM S.C. 23

MENTAL HEALTH ACT (NORTHERN IRELAND), 1948

STATEMENT OF PARTICULARS

(1) Full name of person : .....
(2) Address : .....
.....
(3) Sex ; .....
(4) Date of birth : .....
(5) Single, married, widowed : .....
(6) If married woman or widow, maiden name and name under any previous marriage : .....
(7) Rank, profession or occupation (if any) : .....
(8) Religious persuasion : .....
(9) Age when arrested or incomplete development of mind first observed and supposed cause : .....
(10) Whether subject to epilepsy : .....
(11) Whether blind or partially blind : .....
(12) Whether deaf or partially deaf : .....
(13) Other physical deformities or abnormalities : .....
(14) Whether suicidal : .....
(15) Whether of violent or dangerous propensities and in what way shown :
.....
(16) If at any time the person attended a special school or was detained in a reformatory, industrial school or prison give particulars (with dates)
.....
.....
(17) Whether any near relative has suffered from mental illness or arrested or incomplete development of mind or is subject to epilepsy, alcoholism, " nerves " : .....
(18) Full name of parent or guardian : .....
(19) Address of parent or guardian : .....
.....

Dated : .....

Signed : .....

Address : .....

Regulation 7.
(No. 3 Regulations)

FORM S.C. 24

MENTAL HEALTH ACT (NORTHERN IRELAND), 1948

MEDICAL CERTIFICATE

(1) Name of Patient :.....
Address of Patient :.....
Type of special care ordered.....
Date of Judicial Order.....

(2) I,.....; hereby certify that on the.....day of.....19 , I personally examined the above-named who is a person receiving special care within the meaning of the Mental Health Act (Northern Ireland), 1948. I recommend that application should be made to vary/revoke the judicial order for the following reasons :—

.....
.....
.....
.....

(3) In my opinion the patient is capable/incapable of appreciating the nature of a notice of application for the variation/revocation of the judicial order and/or of making a decision in relation thereto.
Dated this.....day of.....19 .

Signed :.....
Qualifications :.....
Address :.....
.....
.....

Regulations 4(2), 6(2), and 12.
(No. 3 Regulations)

FORM S.C. 25

MENTAL HEALTH ACT (NORTHERN IRELAND), 1948

JUDICIAL ORDER REVOKING A PREVIOUS ORDER.

Re .....
Address .....
.....
.....

(1) Whereas at a Court of.....held at.....on the.....day of.....19....., an Order was made declaring....., the above-named, to be a person requiring special care within the meaning of the Mental Health Act (Northern Ireland), 1948 :

(2) And Whereas by virtue of the said Order the said.....

* (*a*) was placed under the supervision of the Northern Ireland Hospitals Authority ;

(*b*) was placed under the guardianship of.....of .....;

(*c*) was sent to.....institution ;

† (3) .....
.....

* Delete whichever is inapplicable.

(4) And Whereas after considering the evidence which has been submitted to me I am of opinion that the said.....no longer requires special care ;

(5) Now, therefore, upon the application made to me by.....of....., I hereby order that the Order dated.....day of.....19 be revoked as from‡ the.....day of.....19 .

Dated this.....day of.....19.....

Signed .....Judicial Authority/Resident Magistrate

Address .....
.....

† If the original Order was subsequently varied by a Justice of the Peace/Resident Magistrate particulars should be given here.

‡ THIS DATE MUST BE NOT LESS THAN SEVEN DAYS AFTER THE DATE OF THE SIGNING OF THE REVOCATION ORDER.

Regulations 6(1) and 12. FORM S.C. 26
(No. 3 Regulations)

MENTAL HEALTH ACT (NORTHERN IRELAND), 1948

JUDICIAL ORDER VARYING OR REVOKING A PREVIOUS ORDER.

Re .....

Address .....

.....

(1) Whereas on the.....19 , an Order was made by.....declaring....., the above-named, to be a person requiring special care within the meaning of the Mental Health Act (Northern Ireland), 1948 ;

(2) And whereas by virtue of the said Order the said.....

* Delete whichever is inapplicable.

* (*a*) was placed under the supervision of the Northern Ireland Hospitals Authority ;

(*b*) was placed under the guardianship of.....of ..... ;

(*c*) was sent to.....institution ;

(3) And whereas after considering the evidence which has been submitted to me :—

* Delete whichever is inapplicable.

* (*a*) I am of opinion that the said.....has become unsuitable for supervision/guardianship/institutional care ;

(*b*) I am of opinion that the said.....has become suitable for..... ;

(4) Now, therefore, upon the application made to me by....., I hereby order as follows :—

* Delete whichever is inapplicable.

* (*a*) that the said.....be placed under the supervision of the Northern Ireland Hospitals Authority ;

(*b*) that.....of..... be appointed as guardian of the said..... ;

(*c*) that the said.....be sent to .....institution.

(*d*) that the order dated.....by..... be revoked as from.....19.....

Dated this.....day of.....19.....

Signed :.....Judicial Authority.

Address : .....

.....

.....

Regulation 16. FORM S.C. 27
(No. 3 Regulations)

MENTAL HEALTH ACT (NORTHERN IRELAND), 1948

FORM OF CONSENT TO VARIATION OF TREATMENT AUTHORISATION UNDER SECTION 29 OF THE ACT.

*(1) I.....of.....being a person requiring special care within the meaning of the above-mentioned Act hereby consent to the treatment authorisation being varied as follows :—

.....

.....

.....

*(2) I.....of.....being the parent/guardian of.....of.....who is a person requiring special care within the meaning of the above-mentioned Act hereby consent to the treatment authorisation being varied as follows :—.....

.....

.....

Signed : .....

Date : .....

Witness : .....

Address : .....

.....

Date : .....

* Delete whichever is inapplicable.

Institutions

ORDER, DATED 28TH JANUARY, 1949, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER THE MENTAL HEALTH ACT (NORTHERN IRELAND), 1948.

1949. No. 14

The Ministry of Health and Local Government for Northern Ireland (in this Order referred to as " the Ministry "), in exercise of the powers conferred on it by the Mental Health Act (Northern Ireland), 1948 (in this Order referred to as " the Act ") and of all other powers enabling it in that behalf, hereby orders as follows :—

1.—(1) This Order may be cited as the Mental Health (Institutions) Order (Northern Ireland), 1949, and shall come into operation on the 1st day of February, 1949.

(2) The Interpretation Act, 1921, shall apply for the purpose of the interpretation of this Order in like manner as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

2. The Ministry approves of the use of the hospitals specified in the first column of the Schedule hereto, to the extent specified in the third column of the Schedule, as institutions, for the purposes of Part III of the Act.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this twenty-eighth day of January, one thousand, nine hundred and forty-nine, in the presence of

(L.S.) *Thos. Elwood*,
Assistant Secretary.