EXPLANATORY MEMORANDUM TO

The Mental Health (Northern Ireland) (Amendment) Order 2020

2020 No. 46

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Health to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Article 64(2) of the Mental Health (Northern Ireland) Order 1986 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of this Order is to vary the length of the period which must elapse for a second opinion to be required for the continued administration of medicine to detained patients from three months to six months.

3. Background

3.1. The Mental Health (Northern Ireland) (Amendment) Order 2020 varies the length of the period which must elapse for a second opinion to be required for the continued administration of medicine to detained patients from three months to six months.

3.2. The Order is a direct response to Coronavirus pressures to ensure that patients detained under the Mental Health Order can continue to receive medication, even when staff are not in work due to illness.

3.3. Without the Order, administration of medication could not lawfully continue with the current staff pressures due to the Coronavirus.

3.4. It is intended that the amendments will be reversed at the end of the Coronavirus pressures period..

4. Consultation

4.1. The Department has consulted with the HSC Trusts, the HSC Board, PHA, professional bodies and others. The meetings and consultation did not raise any significant issues that required changes to the overall approach. There is broad support for the amendment considering the current pressures.

5. Equality Impact

5.1. In accordance with guidance produced by the Equality Commission for Northern Ireland and in keeping with Regulation 75 of the Northern Ireland Act 1998, the proposals for the Order have been screened for equality impact and it is concluded that a full Equality Impact Assessment is not required.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment (RIA) screening was carried out prior to consultation. The screening concluded that the Statutory Rule will have

negligible cost impact on businesses, charities, social economy enterprises or the voluntary sector in Northern Ireland and will not otherwise adversely affect these groups. The Department considers that a full RIA is not required.

7. Financial Implications

7.1. There will be no cost impact on businesses, charities, social economy enterprises or the voluntary sector in Northern Ireland.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Statutory Rule is not deemed to breach Section 24 of the Northern Ireland Act 1998 as it is considered to be compatible with any of the Convention rights or community law and does not discriminate against a person on the grounds of religious belief or political opinion.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

10.2. Other statutory frameworks exists in other jursdictions. However, these other frameworks are significantly different and the technical details in this instrument are not relevant to other systems.

11. Additional Information

11.1. Not applicable.