Sealed with the Common Seal of the Northern Ireland Hospitals Authority this twenty-seventh day of February, one thousand nine hundred and sixty-two.

(L.S.)

(Sgd.) W. McKinney,

(Sgd.) H. Anderson,
Members of the Authority.

(Sgd.) E. H. Jones,
Secretary of the Authority.

1962. No. 46

As this Order has been classified as local it is not printed at length in this volume. A summary is given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.

1962. No. 47 **[NC]**

MENTAL HEALTH

Special Care Scheme

ORDER, DATED 21ST MARCH, 1962, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION 3 OF THE MENTAL HEALTH ACT (NORTHERN IRELAND), 1961.

Whereas sub-section (1) of Section 3 of the Mental Health Act (Northern Ireland), 1961(a) (in this Order referred to as "the Act") provides that it shall be the duty of the Northern Ireland Hospitals Authority (in this Order referred to as "the Authority") to submit to the Ministry of Health and Local Government (in this Order referred to as "the Ministry") a scheme (referred to in the Act as a "special care scheme") making provision for the general management and control of the services provided under the Act for persons requiring special care:

And whereas the Authority has submitted to the Ministry a special care scheme:

And whereas it is provided in sub-section (1) of section 5 of the Act that the Ministry may approve a special care scheme under that section with or without modifications:

And whereas the Ministry thinks fit to approve the special care scheme:

Now, therefore, the Ministry, in exercise of the powers conferred upon it by section 3 of the Mental Health Act (Northern Ireland), 1961, and of all other powers so enabling, hereby orders as follows:—

(a) 1961. c. 15.

1. This Order may be cited as the Mental Health (Special Care Scheme Approval) Order (Northern Ireland), 1962.

2. The Ministry hereby approves the special care scheme dated the 16th day of March, 1962, set out in the Schedule.

3.—(1) All property, whether real or personal (including choses-in-action) which immediately before the 2nd day of April, 1962, is vested in or belongs to or is held in trust for the existing Eastern Special Care Management Committee, or the existing South Western Special Care Management Committee being Management Committees constituted in accordance with Section 28 of the Health Services Act (Northern Ireland), 1948 (each of which is hereinafter referred to as "an existing committee") and all rights, powers and privileges relating to or connected with such property shall on that date and without any conveyance or assignment but subject where necessary to transfer in the books of any bank, corporation or company become and be vested in or the property of or held in trust for (as the case may require) as follows:—

(*a*) in the case of property of the existing Eastern Special Care Management Committee, the Eastern Special Care Management Committee constituted pursuant to the Special Care Scheme set out in the Schedule; and

(*b*) in the case of property of the existing South Western Special Care Management Committee, the South Western Special Care Management Committee constituted pursuant to the Special Care Scheme set out in the Schedule;

for all the estate, term or interest for which the same immediately before that date was vested in or belonged to or was held in trust for the respective existing committee but subject to all trusts and equities affecting the same and then subsisting and capable of being performed.

(2) All property transferred by this article which, immediately before the 2nd day of April, 1962, is standing in the books of any bank or is registered in the books of any bank, corporation or company in the name of an existing committee shall upon the request of the respective Management Committee to which the property is transferred made on or at any time after the 2nd day of April, 1962, be transferred in said books by such bank, corporation or company into the name of that Management Committee.

(3) On and after the 2nd day of April, 1962, every chose-in-action transferred by this article may be sued upon, recovered or enforced by the Management Committee to whom it was transferred in its own name and it shall not be necessary for that Management Committee to give notice to the person bound by such chose-in-action of the transfer effected by this article.

4. Every debt or other liability (including mortgage debts and also including unliquidated liabilities arising from torts or breaches of contract) which immediately before the 2nd day of April, 1962, is owing and unpaid or has been incurred and is undischarged by an existing committee shall, on that date, become and be the debt or liability of the particular Management Committee to which the property of that existing committee has been transferred and shall be paid or discharged by and may be recovered from or enforced against the Management Committee into whose name it has been transferred.

5. Every bond, guarantee or other security of a continuing character made or given by an existing committee to another person or by any person to

such committee and in force immediately before the 2nd day of April, 1962, and every contract or agreement in writing made between such committee and another person and not fully executed and completed before that date shall continue in force on and after the 2nd day of April, 1962, but shall be construed and have effect as if the name of the Management Committee to which the property of that existing committee has been transferred were substituted therein for the name of that existing committee and such security, contract or agreement shall be enforceable by or against the Management Committee into whose name it has been transferred.

6.—(1) The accounts of all receipts and expenditure of an existing committee and of the officers of the Authority responsible to that committee up to the 2nd day of April, 1962, shall, as soon as conveniently may be after that day, be audited.

(2) Every officer of the Authority whose duty it is to make up any accounts of or to account for any portion of the receipts or expenditure of an existing committee and also every member thereof shall, until the audit of such receipts and expenditure up to the 2nd day of April, 1962, is completed, be deemed for the purposes of such audit to continue in office and be bound to perform the same duties and render the same accounts and be subject to the same liabilities as if this Order had not been made.

7. Each officer of the Authority who, up to the 2nd day of April, 1962, is responsible to an existing committee for the discharge of his duties shall, if he remains in the service of the Authority after that date, be responsible to the Management Committee to which the property of that existing committee has been transferred for the discharge of said duties, on terms and conditions not less advantageous than were applicable to him up to the 2nd day of April, 1962.

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

(L.S.)

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

SCHEDULE

Special Care Scheme made under the Provisions of the Mental Health Act (Northern Ireland), 1961

Whereas Sub-Section 1 of Section 3 of the Mental Health Act (N.I.), 1961 (in this Scheme referred to as "the Act") provides that it shall be the duty of the Northern Ireland Hospitals Authority (herein referred to as "the Authority") to submit to the Ministry of Health and Local Government a Scheme making provision for the general management and control of the services provided under the Act for persons requiring special care.

Now therefore the Authority in exercise of the powers conferred by the Act and all other powers them thereunto enabling do hereby formulate the following Special Care Scheme that is to say:—

1. This Scheme shall come into effect and shall operate as from the 2nd day of April, 1962.

2. (i) The Authority shall constitute and appoint a Management Committee to be known as the Eastern Special Care Management Committee to manage and control such hospitals, centres and services provided under the Act for persons requiring special care within the area described in the First Schedule hereto as shall be entrusted to the care of such Management Committee by the Authority.

(ii) The Authority shall constitute and appoint a Management Committee to be known as the South Western Special Care Management Committee to manage and control such hospitals, centres and services provided under the Act for persons requiring special care within the area described in the Second Schedule hereto as shall be entrusted to the care of such Management Committee by the Authority.

(iii) The Londonderry Hospital Management Committee shall manage and control such hospitals, centres and services provided under the Act for persons requiring special care within the area described in the Third Schedule hereto as shall be entrusted to the care of such Management Committee by the Authority.

3. Each such Management Committee shall perform in relation to its specified area subject to such directions as may from time to time be given by the Authority, such functions as shall be comprised in such Local Management Scheme as may be made by the Authority in accordance with Section 4 of the Act for such Management Committee

In witness whereof the Authority have hereunto caused their Common Seal to be affixed the sixteenth day of March, one thousand, nine hundred and sixty-two.

Sealed with the Common Seal of the Northern Ireland Hospitals Authority in the presence of:—

(L.S.)

W. McKinney,
Marcia H. Mackie,
Members of the Authority.
E. H. Jones,
Secretary of the Authority.

FIRST SCHEDULE

Being the specified area of the Eastern Special Care Management Committee and comprising:—

Portrush Urban District
Ballycastle Urban District
Ballycastle Rural District
Ballymoney Urban District
Ballymoney Rural District
Ballymena Municipal Borough
Ballymena Rural District
Larne Municipal Borough
Larne Rural District
Whitehead Urban District
Carrickfergus Municipal Borough
Ballyclare Urban District
Antrim Rural District
Newtownabbey Urban District
Lisburn Urban District
Lisburn Rural District
County Borough of Belfast
Holywood Urban District
Bangor Municipal Borough
Castlereagh Rural District
Donaghadee Urban District
Newtownards Municipal Borough

North Down Rural District
Hillsborough Rural District
Downpatrick Urban District
Downpatrick Rural District
Cookstown Urban District
Magherafelt Rural District (excluding the District Electoral Divisions of: Lissan Upper, Brackagh, Slievegallion, Desertmartin, Iniscarn, Bancran, Draperstown, Carnmoney, Tobermore, Maghera, Rocktown, Bellaghy, Ballynease, Clady, Gulladuff, Upperland, Tullykeeran and Swatragh)

SECOND SCHEDULE

Being the specified area of the South Western Special Care Management Committee and comprising:—

Irvinestown Rural District
Enniskillen Municipal Borough
Enniskillen Rural District
Lisnaskea Rural District
Clogher Rural District
Dungannon Urban District
Dungannon Rural District
Armagh Urban District
Armagh Rural District
Keady Urban District
Portadown Municipal Borough
Lurgan Municipal Borough
Lurgan Rural District
Moira Rural District
Tandragee Urban District
Tandragee Rural District
Newry Urban District
Newry No. 1 Rural District
Newry No. 2 Rural District
Dromore Urban District
Banbridge Urban District
Banbridge Rural District
Newcastle Urban District
Warrenpoint Urban District
Kilkeel Urban District
Kilkeel Rural District

THIRD SCHEDULE

Being the specified area of the Londonderry Hospital Management Committee and comprising:—

Portstewart Urban District
Coleraine Municipal Borough
Coleraine Rural District
Limavady Urban District
Limavady Rural District
Londonderry County Borough
Londonderry Rural District
Strabane Urban District
Strabane Rural District
Castlederg Rural District
Omagh Urban District
Omagh Rural District
Cookstown Rural District
Magherafelt Rural District (excluding the District Electoral Divisions of: Ringsend, Salterstown, Moneymore, The Loop, Ballyronan, Magherafelt, Aghagaskin, Castledawson, and Newbridge)