



DÁIL ÉIREANN

AN BILLE MEABHAIR-SHLÁINTE, 2024 MENTAL HEALTH BILL 2024

LEASUITHE A RINNE AN SEANAD AMENDMENTS MADE BY THE SEANAD

DÁIL ÉIREANN

AN BILLE MEABHAIR-SHLÁINTE, 2024
[BILLE DÁLA ARNA LEASÚ AG AN SEANAD]

MENTAL HEALTH BILL 2024
[DÁIL BILL AMENDED BY THE SEANAD]

Leasuithe a rinne an Seanad
Amendments made by the Seanad

*[The page and line references in this list of amendments
are to the text of the Bill as passed by Dáil Éireann]*

SECTION 2

1. In page 14, line 23, to delete “means” and substitute “, other than in *Chapter 2* of *Part 7*, means”.
2. In page 14, between lines 24 and 25, to insert the following:
“ “Agency” means the Child and Family Agency;”.
3. In page 14, to delete line 29 and substitute the following:
“ “Board” has the meaning assigned to it in *section 94*;”.
4. In page 15, line 1, to delete “a child” and substitute “a child aged 16 years or older”.
5. In page 15, between lines 2 and 3, to insert the following:
“ “care order” has the same meaning as it has in *section 18* of the Act of 1991;”.
6. In page 15, line 6, to delete “or” and substitute “and”.
7. In page 15, line 9, to delete “parent or guardian” and substitute “relevant consulted carers, if any,”.
8. In page 15, to delete line 14 and substitute the following:
“ “child” means a person who has not attained the age of 18 years;”.
9. In page 15, line 23, after “such” to insert “a”.
10. In page 16, between lines 2 and 3, to insert the following:
“ “direct application for a recommendation for involuntary admission” has the meaning assigned to it in *section 15*;”.
11. In page 16, between lines 2 and 3, to insert the following:
“ “emergency care order” has the meaning assigned to it in *section 13* of the Act of 1991;”.

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12. In page 16, line 3, after “recommendation” to insert “for involuntary admission”.
13. In page 16, line 7, to delete “judgement” and substitute “judgment”.
14. In page 16, to delete lines 10 to 12 and substitute the following:
 - “ “guardian” means, in relation to a child—
 - (a) a guardian pursuant to the Guardianship of Infants Act 1964, or
 - (b) the person acting in *loco parentis* to that child;”.
15. In page 16, between lines 12 and 13, to insert the following:
 - “ “guardian *ad litem*” means, in relation to a child, a guardian *ad litem* (within the meaning of section 35A of the Act of 1991) appointed for the child in accordance with Part VA of the Act of 1991;”.
16. In page 16, between lines 15 and 16, to insert the following:
 - “ “interim care order” has the meaning assigned to it in section 17 of the Act of 1991;”.
17. In page 16, to delete lines 16 to 18.
18. In page 16, lines 19 and 20, to delete “detention in *section 65*” and substitute “involuntary admission of a child”.
19. In page 16, lines 20 and 21, to delete “made under *section 65* or *66*”.
20. In page 16, line 24, to delete “without providing his or her consent to such admission” and substitute “pursuant to an involuntary admission order or a renewal order”.
21. In page 16, between lines 24 and 25, to insert the following:
 - “ “involuntary admission order” has the meaning assigned to it—
 - (a) in relation to an adult, in *sections 22* and *38*, and
 - (b) in relation to a child, in *section 66*;”.
22. In page 16, line 34, to delete “judgement” and substitute “judgment”.
23. In page 17, line 3, after “2011,” to insert “or”.
24. In page 17, line 12, to delete “of that Act”.
25. In page 17, to delete lines 16 to 18 and substitute the following:
 - “ “nominated person” means an adult nominated—
 - (a) in relation to an adult, in accordance with *section 185*, and
 - (b) in relation to a child aged 16 years or older, in accordance with *section 186*;”.
26. In page 17, line 20, to insert “both” before “within”.
27. In page 17, between lines 25 and 26, to insert the following:
 - “ “parents or guardian or the Agency” means—
 - (a) in relation to a child the subject of a care order, the Agency, and

[SECTION 2]

(b) in all other circumstances, the child’s parents, or either of them, or guardian;”.

28. In page 17, between lines 25 and 26, to insert the following:

“ “permitted absence” has the meaning assigned to it—

(a) in relation to an adult, in *section 39*, and

(b) in relation to a child, in *section 77*;”.

29. In page 17, between lines 25 and 26, to insert the following:

“ “pharmacological restraint” means the administration of medication to a person where the only purpose of such administration is to—

(a) control the person’s behaviour, or

(b) restrict, prevent or limit the person’s freedom of movement or access to his or her own body,

but does not include the administration of medication that is for the purposes of treating or ameliorating his or her mental disorder;”.

30. In page 17, between lines 35 and 36, to insert the following:

“ “recommendation for involuntary admission” has the meaning assigned to it in *section 16*;”.

31. In page 17, between lines 35 and 36, to insert the following:

“ “register” means—

(a) in relation to a registered acute mental health centre, the Register of acute mental health centres,

(b) in relation to a registered community mental health centre, the Register of community mental health centres, and

(c) in relation to a registered community mental health service, the Register of community mental health services;

“Register of acute mental health centres” has the meaning assigned to it in *section 139*;

“Register of community mental health centres” has the meaning assigned to it in *section 140*;

“Register of community mental health services” has the meaning assigned to it in *section 141*;”.

32. In page 18, between lines 21 and 22, to insert the following:

“ “relevant advocacy service” means a service which assists or supports a person in expressing his or her will and preferences, or otherwise in making his or her views known, in relation to mental health services being provided to the person;”.

33. In page 18, between lines 21 and 22, to insert the following:

“ “relevant carer” means—

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(a) in relation to a child the subject of a care order, a voluntary care arrangement, an emergency care order or an interim care order, the Agency, and

(b) in all other circumstances, the child's parents, or either of them, or guardian;

"relevant consulted carers" means—

(a) in relation to a child the subject of a care order, the Agency,

(b) in relation to a child the subject of a voluntary care arrangement, an emergency care order or an interim care order—

(i) where the child concerned is a voluntarily admitted child under 16 years of age or a child aged 16 years or older lacking necessary capacity admitted with parental consent—

(I) the Agency, and

(II) his or her parents, or either of them, or guardian,

(ii) where the child concerned is a voluntarily admitted child aged 16 years or older, at the child's request—

(I) the Agency,

(II) his or her parents, or either of them, or guardian, or

(III) the persons in *clauses (I) and (II)*,

(iii) where the child concerned is an involuntarily admitted child under 16 years of age or is under 16 years of age and the subject of an application for involuntary admission under *section 66*—

(I) the Agency, and

(II) his or her parents, or either of them, or guardian,

and

(iv) where the child concerned is an involuntarily admitted child aged 16 years or older or is aged 16 years or older and the subject of an application for involuntary admission under *section 66*, at the child's request or where, in the opinion of the responsible consultant psychiatrist, it is in the child's best interests—

(I) the Agency,

(II) his or her parents, or either of them, or guardian, or

(III) the persons in *clauses (I) and (II)*,

and

(c) where *paragraph (a) or (b)* does not apply—

(i) where the child concerned is a voluntarily admitted child under 16 years of age or a child aged 16 years or older lacking necessary capacity admitted with parental consent, his or her parents, or either of them, or guardian,

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- (ii) where the child concerned is a voluntarily admitted child aged 16 years or older, at the child's request, his or her parents, or either of them, or guardian,
- (iii) where the child concerned is an involuntarily admitted child under 16 years of age or is under 16 years of age and the subject of an application for involuntary admission under *section 66*, his or her parents, or either of them, or guardian, and
- (iv) where the child concerned is an involuntarily admitted child aged 16 years or older or is aged 16 years or older and the subject of an application for involuntary admission under *section 66*, at the child's request or where, in the opinion of the responsible consultant psychiatrist, it is in the child's best interests, his or her parents, or either of them, or guardian;"

34. In page 18, line 23, to delete "practitioner," and substitute "practitioner, or".

35. In page 18, line 25, to delete "or".

36. In page 18, to delete lines 26 and 27.

37. In page 18, line 28, to delete "the application, initiate the application of, or apply," and substitute "or initiate the application of, or apply,".

38. In page 18, between lines 29 and 30, to insert the following:

“ “relevant notified carers” means—

- (a) in relation to a child the subject of a care order, the Agency,
- (b) in relation to a child the subject of a voluntary care arrangement, an emergency care order, an interim care order or a supervision order, his or her parents, or either of them, or guardian and the Agency, and
- (c) where *paragraph (a) or (b)* does not apply, the child's parents, or either of them, or guardian;"

39. In page 18, line 37, after "mechanical restraint" to insert ", pharmacological restraint".

40. In page 18, after line 38, to insert the following:

“ “review panel” has the meaning assigned to it in *section 27*;"

41. In page 19, line 11, to delete "means" and substitute "means,".

42. In page 19, between lines 14 and 15, to insert the following:

“ “supervision order” has the meaning assigned to it in *section 19* of the Act of 1991;"

43. In page 19, line 15, after "person," to insert "other than in *sections 37 and 78**,".

[*This is a reference to a section proposed to be inserted by amendment No. 289.]

44. In page 19, line 27, to delete "order." and substitute "order;"

45. In page 19, between lines 27 and 28, to insert the following:

“ “voluntary care arrangement” means a care arrangement under *section 4* of the Act of 1991."

[SECTION 2]

46. In page 19, between lines 27 and 28, to insert the following:

“(2) In this Act, until such time as *section 234** comes into operation, the following modifications shall apply:

(a) a reference to the Family High Court shall be construed as a reference to the High Court with any necessary modifications;

(b) a reference to the Family Circuit Court shall be construed as a reference to the Circuit Court;

(c) a reference to—

(i) the Family District Court, or

(ii) the Family District Court or the District Court,

shall be construed as a reference to the District Court with any necessary modifications;

(d) a reference to—

(i) the Family District Court district, or

(ii) the Family District Court district or District Court district,

shall be construed as a reference to the District Court district with any necessary modifications;

(e) in *section 71(4)*—

(i) *paragraph (a)(ii)* shall not apply, and

(ii) in *paragraph (d)*, the words “a sitting of the Family District Court or” are deleted;

(f) in *section 84(3)***—

(i) *paragraph (a)(ii)* shall not apply, and

(ii) in *paragraph (d)*, the words “a sitting of the Family District Court or” are deleted.”.

[*This is a reference to a section proposed to be inserted by amendment No. 482.]

[**This is a reference to a section proposed to be inserted by amendment No. 329.]

SECTION 5

Section proposed to be deleted.

SECTION 6

47. In page 20, to delete lines 39 and 40 and substitute the following:

“(a) the Act of 2001;

(b) the Mental Health (Amendment) Act 2018.”.

[SECTION 7]

SECTION 7

48. In page 21, line 2, to delete “Act, shall” and substitute “Act shall,”.

SECTION 9

49. In page 22, to delete line 11 and substitute the following:

“(ii) any other mental healthcare professional who is not a member of the person’s multidisciplinary team or who is otherwise not involved in the person’s care and treatment,”.

SECTION 10

50. In page 22, line 33, to delete “detention,” and substitute “detention and”.
51. In page 22, line 37, after “the” where it firstly occurs to insert “Family District Court or”.
52. In page 23, to delete lines 6 to 20 and substitute the following:
- “(c) that in the case of a child who is aged 16 years or older—
- (i) it shall be presumed that the child has the necessary maturity and capacity to make decisions affecting himself or herself in relation to his or her admission, care and treatment under this Act, and
 - (ii) the views of the parents or guardian or the Agency shall be recorded;
- (d) that in the case of a child who is under 16 years of age and is capable of forming his or her own views, where practicable—
- (i) the child shall be consulted at each stage of diagnosis and treatment,
 - (ii) the views and will and preferences of the child shall be recorded and given due regard, and
 - (iii) regard shall be given to the age and maturity of the child;”.

SECTION 11

53. In page 24, between lines 10 and 11, to insert the following:
- “ “designated healthcare representative” has the same meaning as it has in section 2 of the Act of 2015;”.
54. In page 24, to delete lines 12 and 13.
55. In page 24, line 19, to delete “means” and substitute “means,”.
56. In page 24, to delete lines 28 and 29.

SECTION 12

57. In page 25, line 26, after “to” to insert “materially”.

SECTION 13

58. In page 26, to delete lines 19 and 20.
59. In page 26, to delete lines 21 to 25 and substitute the following:

“(d) is a spouse of the person, the subject of the application—

- (i) who is living separately and apart from the person concerned, or

[SECTION 13]

(ii) in respect of whom—

(I) an application for an order has been made but not yet determined under the Act of 2018, or

(II) an order has been made under the Act of 2018.”.

60. In page 26, line 27, to delete “in *paragraphs (b) and (c)*” and substitute “in *paragraph (b)*”.

61. In page 26, line 30, to delete “particular,” and substitute “particular”.

SECTION 14

62. In page 27, line 4, to delete “purpose” and substitute “purpose,”.

63. In page 27, line 13, to delete “may” and substitute “shall”.

64. In page 28, line 20, to delete “particular,” and substitute “particular”.

65. In page 28, line 26, to delete “the person, or a spouse” and substitute “the person or a spouse”.

SECTION 15

66. In page 28, line 35, to delete “Part” and substitute “Act”.

67. In page 29, to delete lines 5 to 9.

68. In page 29, line 10, to delete “*paragraphs (b) and*” and substitute “*paragraph (b) or*”.

69. In page 29, line 22, to delete “particular,” and substitute “particular”.

SECTION 16

70. In page 30, line 5, to delete “application” and substitute “application,”.

71. In page 30, line 20, to delete “Part” and substitute “Act”.

SECTION 17

72. In page 31, line 25, to delete “insofar” and substitute “in so far”.

73. In page 31, line 29, to delete “request, or the application” and substitute “request or the direct application”.

74. In page 31, line 29, to delete “concerned” and substitute “concerned,”.

SECTION 18

75. In page 32, line 7, after “(5)” to insert “, subject to and in accordance with *subsections (6) and (7)*, as applicable,”.

76. In page 32, line 14, to delete “Inspector” and substitute “inspector”.

77. In page 32, lines 15 and 16, to delete “*subsections (3) to (7)* may be carried out” and substitute “*subsections (3) and (5)* may be carried out, subject to and in accordance with *subsections (6) and (7)*, as applicable”.

78. In page 32, line 41, to delete “application for involuntary admission” and substitute “an application for a recommendation for involuntary admission”.

79. In page 33, line 39, to delete “74,” and substitute “74*, 76,”.

[*This is a reference to a section proposed to be inserted by amendment No. 277.]

[SECTION 19]

SECTION 19

80. In page 34, line 32, to delete “concerned,”.

SECTION 20

81. In page 35, to delete lines 15 to 18 and substitute the following:

- “(a) the bringing of persons, other than children, to the registered acute mental health centre pursuant to *section 19* or *21*;
- (b) the bringing of children to the registered acute mental health centre pursuant to *sections 74** or *77***;
- (c) the bringing back of persons, other than children, to the registered acute mental health centre pursuant to *section 21* or *40*;
- (d) the bringing back of children to the registered acute mental health centre pursuant to *section 78*.”.

[*This is a reference to a section proposed to be inserted by amendment No. 277.]

[**This is a reference to a section proposed to be inserted by amendment No. 288.]

82. In page 35, line 27, after “40” to insert “, 76, 77*”.

[*This is a reference to a section proposed to be inserted by amendment No. 288.]

SECTION 22

83. In page 36, line 39, to delete “detention,” and substitute “detention”.

SECTION 23

84. In page 37, line 20, to delete “detention,” and substitute “detention and”.

85. In page 37, line 22, to delete “*subsection (2)*, or *section 32*,” and substitute “*subsections (2) and (3)* and *section 32*”.

86. In page 37, line 28, after “The” to insert “further”.

87. In page 37, lines 31 and 32, to delete “consultant psychiatrist responsible for the care and treatment of an involuntarily admitted person” and substitute “responsible consultant psychiatrist”.

88. In page 37, line 33, to delete “this section” and substitute “*subsection (2) or (3)*”.

89. In page 37, line 33, after “the” to insert “responsible”.

SECTION 25

90. In page 38, line 15, to delete “and any” and substitute “or any subsequent”.

91. In page 38, to delete lines 17 and 18 and substitute “involuntarily admitted person concerned a copy of the involuntary admission order or renewal order, as the case may be.”.

92. In page 38, lines 19 and 20, to delete “consultant psychiatrist responsible for the care and treatment of an involuntarily admitted person” and substitute “responsible consultant psychiatrist”.

93. In page 38, to delete lines 24 and 25 and substitute the following:

“(3) A notice under *subsection (2)* shall include a statement in writing and in a form and

[SECTION 25]

language that may reasonably be understood by the involuntarily admitted person concerned, to the effect that he or she—”.

94. In page 38, between lines 37 and 38, to insert the following:

“(g) is informed of any relevant advocacy services,”.

95. In page 39, line 25, to delete “of Part 7”.

SECTION 26

96. In page 39, line 37, to delete “record” and substitute “records”.

SECTION 27

97. In page 40, line 18, to delete “of”.

SECTION 29

98. In page 43, line 16, to delete “*paragraph (b)*” and substitute “*paragraph (a)*”.

SECTION 31

99. In page 46, line 11, after “report” to insert “to the Commission”.

100. In page 46, line 12, to delete “prescribed to the Commission” and substitute “specified by the Commission”.

101. In page 46, line 28, to delete “reviews” and substitute “review”.

102. In page 46, lines 32 and 33, to delete all words from and including “psychiatrists,” in line 32 down to and including line 33 and substitute “psychiatrists.”.

103. In page 47, line 2, to delete “a copy of the person’s medical record and”.

SECTION 32

104. In page 47, line 15, to delete “*sections 9 to 24 and 38*” and substitute “*sections 9, 12 to 26 and 38*”.

105. In page 47, to delete line 23, and substitute the following:

“(3) Subject to *subsection (4)*, the review board”.

106. In page 47, line 26, to delete “which period shall not be less than 14 days”.

107. In page 48, line 28, after “and” to insert “the”.

SECTION 33

108. In page 48, line 36, to delete “*sections 9 to 24 and 38*” and substitute “*sections 9, 12 to 26 and 38*”.

109. In page 49, to delete lines 26 and 27 and substitute the following:

“(7) Notice of an appeal under *subsection (1)* and a copy of the proceedings shall be served by the person bringing the appeal on—

(a) the review board,”.

[SECTION 33]

110. In page 49, line 31, to delete “shall” and substitute “may”.
111. In page 49, lines 33 and 34, to delete “or any other person on whom notice is served under *subsection (7)*”.

SECTION 34

112. In page 51, line 3, to delete “and”.
113. In page 51, line 6, to delete “request.” and substitute “request, and”.
114. In page 51, between lines 6 and 7, to insert the following:

“(c) provide a copy of the request and his or her decision to the Commission.”.

SECTION 35

115. In page 51, line 25, to delete “or other designated centre”.
116. In page 51, to delete all words from and including “or” in line 41 to “the case may be,” in line 1, page 52.

SECTION 36

117. In page 52, line 36, to delete “subject to *subsection (10)*, set the time and date for the hearing” and substitute “set the time and date for the review to be heard in accordance with *subsection (9)*”.
118. In page 53, line 20, to delete “a” and substitute “the”.
119. In page 53, line 24, to delete “*subsection (7)*” and substitute “*subsection (6)*”.
120. In page 53, line 31, to delete “*sections 9, 13, 14, 15, 16, 18, 19, 20, 22, 23, 25, 31, 32, 33 and 38*” and substitute “*sections 29, 30, 31 and 33*”.
121. In page 54, lines 4 to 10, to delete all words from and including “until” in line 4 down to and including line 10 and substitute the following:

“until—

- (a) the expiry of the order detaining the person, or
- (b) the expiry of any subsequent renewal order where, in advance of the making of the renewal order concerned—
 - (i) the clinical director of the registered acute mental health centre from which the person was transferred approves a further period of detention, and
 - (ii) the clinical director of the Central Mental Hospital has consented in writing to the further detention.”.

122. In page 54, lines 11 and 12, to delete “*paragraph (a) of subsection (14)* and a consent under *paragraph (b)*” and substitute “*subparagraph (i) of subsection (14)(b)* and a consent under *subparagraph (ii)*”.
123. In page 54, line 20, after “shall” to insert “prepare and”.

[SECTION 37]

SECTION 37

124. In page 54, line 32, after “treatment” to insert “, but no longer than the expiry of the involuntary admission order or any subsequent renewal order pursuant to which he or she is detained,”.

SECTION 38

125. In page 55, line 2, to delete “(7)” and substitute “(7),”.
126. In page 55, line 10, to delete “detention” and substitute “admission”.
127. In page 55, line 12, to delete “decision,” and substitute “decision and”.
128. In page 55, line 14, after “decision” to insert “shall be”.
129. In page 55, line 14, to delete “record” where it secondly occurs and substitute “records”.
130. In page 55, line 26, to delete “certify in writing” and substitute “issue a certificate in writing”.
131. In page 55, line 35, to delete “detention,” and substitute “detention”.
132. In page 56, line 5, to delete “record” and substitute “records”.
133. In page 56, line 8, to delete “*Sections 23 to 37*” and substitute “*Sections 22(4), 23 to 37, 39, 40 and 41*”.

SECTION 39

134. In page 56, line 15, to delete “Part” and substitute “Act”.
135. In page 56, line 23, after “of” to insert “the”.
136. In page 56, line 34, after “shall” to insert “prepare and”.

SECTION 41

137. In page 58, line 14, to delete “record” and substitute “records”.
138. In page 58, line 20, after “her” to insert “responsible”.
139. In page 58, line 21, before “is” to insert “subject to *subsections (9) to (12) and (14)*,”.
140. In page 58, line 26, before “consultant psychiatrist” to insert “responsible”.
141. In page 58, to delete lines 30 to 41 and substitute the following:
- “(9) Subject to *subsection (10)*, where an order is revoked under *subsection (1)* in respect of a person and the order has been referred to a review board under *section 31* but the time and date has not been scheduled for the hearing of the review of the detention by the review board or the hearing has not commenced, the hearing by the review board shall not commence unless the person the subject of the order or his or her legal representative requests by notice in writing addressed to the Commission, as soon as practicable, but no later than 14 days after the date of the revocation of the order, that the review be completed.
- (10) Where an order is revoked under *subsection (1)* and the revocation takes place within 48 hours before the time and date scheduled for the hearing of the review of the detention by the review board, the review shall continue at the time and date scheduled if the person or his or her legal representative submits a request in writing to the Commission to confirm that he or she wishes the hearing to proceed on that

[SECTION 41]

date.

(11) Where no request for the hearing to proceed is received under *subsection (10)*, the review shall be discontinued.

(12) Where a person or his or her legal representative requests under *subsection (9)* that a review be completed, that review shall take place within 21 days of the date the request is made.”.

142. In page 59, line 5, to delete “*section 32(1)*” and substitute “*section 32(2)*”.

143. In page 59, line 7, after “*subsection (9)*” to insert “or *(10)*”.

144. In page 59, line 9, to delete “*sections 9 to 24 and 38*” and substitute “*sections 9, 12 to 26 and 38*”.

SECTION 42

145. In page 59, between lines 38 and 39, to insert the following:

“(f) is informed of any relevant advocacy services,”.

SECTION 46

146. In page 61, line 16, after “shall” to insert “, as soon as practicable,”.

147. In page 61, line 30, to delete “to refuse” and substitute “refuse”.

148. In page 61, between lines 36 and 37, to insert the following:

“(6) A capacity assessment and, where applicable, a second capacity assessment shall be—

(a) arranged for and carried out as soon as practicable, and

(b) carried out regularly, with the frequency of review based on the individual needs of the person concerned, and in any event not less than once every 14 days, to assess whether the person continues to lack the necessary capacity to consent to or refuse treatment.”.

149. In page 61, line 37, after “second capacity assessment” to insert “of a person”.

150. In page 61, line 38, to delete “record” and substitute “records”.

SECTION 47

151. In page 62, line 25, to delete “involuntary” and substitute “involuntarily”.

152. In page 62, lines 27 and 28, to delete “*section 48, 49 or 50*” and substitute “*section 48, 50 or 51*”.

153. In page 62, line 31, to delete “record” and substitute “records”.

SECTION 48

154. In page 62, line 33, to delete “*subsections (2), (3), (4), (5) and (8)*” and substitute “*subsections (2) to (6) and (9)*”.

155. In page 63, line 10, after “to” to insert “materially”.

156. In page 63, between lines 12 and 13, to insert the following:

“(3) Where treatment is being administered to a person under *subsection (1)(b)*—

[SECTION 48]

- (a) a capacity assessment and a second capacity assessment shall be completed no later than 72 hours after the initiation of treatment, and
- (b) the administration of treatment under that subsection shall be discontinued immediately where the person is assessed as not lacking capacity to consent to or refuse treatment after either the capacity assessment or the second capacity assessment.”.

157. In page 63, line 34, after “or” to insert “, where extended under *subsection (4)*, the”.
158. In page 64, line 1, after “or” to insert “, where extended under *subsection (4)*, the”.
159. In page 64, line 2, to delete “and a person” and substitute “in respect of an involuntarily admitted person and that person”.
160. In page 64, lines 3 and 4, to delete “responsible consultant psychiatrist” and substitute “registered proprietor”.
161. In page 64, line 4, after “or” to insert “, where extended under *subsection (4)*, the”.
162. In page 64, line 7, to delete “or any” and substitute “or, where extended under *subsection (4)*, the”.
163. In page 64, line 8, to delete “*section 45, 47, 50 or 51*” and substitute “*section 44, 45, 47, 50 or 51*,”.

SECTION 49

164. In page 64, line 21, to delete “responsible consultant psychiatrist” and substitute “registered proprietor”.
165. In page 64, line 22, after “2015” to insert “as soon as practicable and”.
166. In page 64, between lines 24 and 25, to insert the following:
- “(2) An application to the Circuit Court made under *subsection (1)* shall be withdrawn by the registered proprietor where—
- (a) the person the subject of the application is discharged as an involuntarily admitted person, or
 - (b) the person the subject of the application is assessed under *section 46* to have capacity to consent to or refuse treatment.”.

SECTION 50

167. In page 64, line 27, to delete “(2),” and substitute “(2)”.
168. In page 64, line 27, to delete “the involuntarily admitted person concerned” and substitute “an involuntarily admitted person”.
169. In page 64, line 28, to delete “an involuntarily” and substitute “the involuntarily”.
170. In page 64, line 31, to delete “after the initial treatment period and any” and substitute “outside of the initial treatment period or, where extended under *section 48(3)*, the”.

[SECTION 50]

171. In page 64, line 34, after “where” to insert “there is no alternative safe and effective treatment available and”.
172. In page 65, line 4, after “to” to insert “materially”.
173. In page 65, line 5, to delete “person,” and substitute “person.”.
174. In page 65, to delete line 6.
175. In page 65, between lines 6 and 7, to insert the following:

“(3) Where treatment is being administered to a person under *subsection (1)(b)*—

- (a) a capacity assessment and a second capacity assessment shall be completed no later than 72 hours after the initiation of treatment, and
- (b) the administration of treatment under that subsection shall be discontinued immediately where the person is assessed as not lacking capacity to consent to or refuse treatment after either the capacity assessment or the second capacity assessment.”.

SECTION 51

176. In page 65, line 34, to delete “responsible consultant psychiatrist” and substitute “registered proprietor of the registered acute mental health centre concerned”.
177. In page 66, line 17, to delete “he or she” and substitute “and”.
178. In page 66, line 24, to delete “responsible consultant psychiatrist” and substitute “registered proprietor of the registered acute mental health centre concerned”.
179. In page 66, to delete lines 28 to 34.

SECTION 52

180. In page 67, lines 4 and 5, to delete “found to lack capacity to give consent to a proposed treatment under *section 46*, then” and substitute “found under *section 46* to lack the necessary capacity to give consent to a proposed treatment of electro-convulsive therapy, then”.

SECTION 54

181. In page 68, line 17, to delete “is, to” and substitute “is to”.

SECTION 57

182. In page 69, lines 22 and 23, to delete “which in the opinion of the consultant psychiatrist or relevant health professional expects will” and substitute “which, in the opinion of the consultant psychiatrist or relevant health professional, will”.
183. In page 69, between lines 24 and 25, to insert the following:

“(3) The consultant psychiatrist or the relevant health professional who orders, initiates or applies a restrictive practice in respect of a person shall have due regard to—

- (a) the will and preferences of the person regarding the application of the restrictive practice, and
- (b) the view of any nominated person in relation to such will and preferences, and such will and preferences and views shall be recorded in writing in the person’s

[SECTION 57]

medical record and care plan.”.

184. In page 69, between lines 6 and 7, to insert the following:

“Pharmacological restraint

57. A pharmacological restraint shall not be applied in respect of a person receiving treatment in a registered acute mental health centre or designated centre unless—

- (a) the restraint is ordered by a consultant psychiatrist only,
- (b) the restraint is initiated by a relevant health professional,
- (c) the restraint is applied in respect of the person by a relevant health professional,
- (d) the application of such restraint is determined by the consultant psychiatrist, in accordance with regulations made under *section 58*, to be necessary where there is an immediate threat of serious harm to the person or to another person, and
- (e) the pharmacological restraint concerned complies with regulations under *section 58*.”.

SECTION 59

185. In page 71, between lines 9 and 10, to insert the following:

“Interpretation

59. For the avoidance of doubt, in this Part, a child that is the subject of an emergency care order, an interim care order, a supervision order or a voluntary care arrangement shall be treated the same as a child who is not the subject of a care order, unless otherwise provided.”.

[Acceptance of this amendment involves the deletion of section 59 of the Bill.]

SECTION 60

186. In page 71, lines 13 to 18, to delete all words from and including “(1) The” in line 13 down to and including line 18 and substitute the following:

“(1) Sections 21, 22, 24, 24A, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 35A to 35Q, 37 and 47 of the Act of 1991 shall, subject to the modifications specified in *subsection (2)*, apply to proceedings under this Part as they apply to proceedings to which those sections apply.

(2) The modifications referred to in *subsection (1)* are as follows:

- (a) references in a section specified in that subsection to proceedings or an order under Part III, IV, IVA, IVB, V, VA or VI of the Act of 1991 shall be construed as references to proceedings or an order under this Part;
- (b) references in sections 29, 35F and 35G of the Act of 1991 to the Agency shall be construed as references to—
 - (i) where the child is the subject of a care order, the Executive and the Agency, and

[SECTION 60]

- (ii) in all other instances, the Executive;
- (c) references in section 34 of the Act of 1991 to an order made under Part III or Part IV of that Act and to the Agency shall be construed as references to an involuntary admission order made under *section 66* and to the Executive respectively;
- (d) references in section 35 of the Act of 1991 to an order made under Part IV of that Act and to the Agency shall be construed as references to an involuntary admission order made under *section 66* and to the Executive respectively;
- (e) in section 35B of the Act of 1991—
 - (i) references in subsection (2) of that section to proceedings under Part IVA and to the Family High Court shall be construed as references to proceedings under *section 66* and to the Family District Court or District Court respectively, and
 - (ii) references in subsection (3) of that section to proceedings under Part IV, IVB or VI and to the Family District Court or the Family Circuit Court shall be construed as references to proceedings under *section 62(2)* and *64(2)* and to the Family District Court or District Court respectively;
- (f) in section 35D of the Act of 1991—
 - (i) the reference in subsection (1) of that section to proceedings under Part IVA of that Act shall be construed as a reference to proceedings under *section 66*, and
 - (ii) the reference in subsection (2) of that section to proceedings under Part IV, IVB or VI of that Act shall be construed as a reference to an application under *section 62(2)* or *64(2)*;
- (g) in section 35H of the Act of 1991—
 - (i) references in subsection (1) of that section to a special care order and in subsection (6) of that section to a subsequent care order shall be construed as references to an involuntary admission order made under *section 66* and a renewal order made under *section 67* respectively, and references in subsection (1) or (6) of that section to the Family High Court shall be construed as references to the Family District Court or the District Court, and
 - (ii) references in subsection (2) of that section to the Family District Court or the Family Circuit Court and an application under section 18(1) of that Act for a care order shall be construed as references to the Family District Court or District Court and an application under *section 62(2)* or *section 64(2)* respectively;
- (h) references in section 35K of the Act of 1991 to “the Minister” shall be construed as references to the Minister and the Minister for Children, Disability and Equality;
- (i) references in section 37 of the Act of 1991 to an order under Part III or IV of that

[SECTION 60]

Act shall be construed as references to an involuntary admission order made under *section 66*;

(j) any other necessary modifications.”.

187. In page 71, to delete lines 19 to 21 and substitute the following:

“(2) References in sections 18(3) and 43A of the Act of 1991 to a person having authority to consent to psychiatric examination, treatment or assessment shall, in respect of admission, detention, care and treatment under this Part, be subject to the provisions of this Act.

(3) References in sections 13(7) and 19(4) of the Act of 1991 to psychiatric examination, treatment or assessment do not include references to treatment under this Act.”.

188. In page 71, between lines 21 and 22, to insert the following:

“(3) Where a child is the subject of a special care order (within the meaning of the Act of 1991) or an interim special care order (within the meaning of the Act of 1991), he or she may be admitted to a registered acute mental health centre and treated under this Act as if he or she was the subject of a care order, with the modification that references to an application to—

(a) the District Court or the Family District Court under *section 62(2), 64(2), 66, 67, 70, 71 or 79**,

(b) the Family Circuit Court under *section 69*, or

(c) the Family High Court under *section 82*,

shall be construed as references to an application to the High Court or Family High Court under section 23NF(1) of the Act of 1991 to authorise the release of the child from the special care unit for the provision of psychiatric examination, treatment or assessment and with any other necessary modifications.”.

[*This is a reference to a section proposed to be inserted by amendment No. 290.]

SECTION 61

189. In page 71, line 27, after “professional,” to insert “and”.

190. In page 71, to delete lines 28 and 29 and substitute the following:

“(b) the child’s parents or guardian or the Agency,”.

191. In page 71, line 30, to delete “considers” and substitute “consider”.

192. In page 71, lines 30 and 31, to delete “, or refuse to consent to,” and substitute “or refuse”.

193. In page 72, line 4, to delete “, or refuse to consent to,” and substitute “or refuse”.

194. In page 72, line 5, to insert “responsible” before “consultant psychiatrist”.

195. In page 72, line 6, to delete “a second consultant” and substitute “another consultant”.

196. In page 72, lines 13 and 14, to delete “, or refuse to consent to,” and substitute “or refuse”.

197. In page 72, between lines 15 and 16, to insert the following:

“(5) A capacity assessment and, where applicable, a second capacity assessment shall be—

[SECTION 61]

- (a) arranged for and carried out as soon as practicable, and
- (b) carried out regularly, with the frequency of review based on the individual needs of the child concerned, and in any event not less than once every 14 days, to assess whether the child continues to lack the necessary capacity to consent to or refuse treatment.”.

198. In page 72, line 16, after “of” to insert “a capacity assessment under *subsection (1)* or”.

199. In page 72, lines 18 and 19, to delete “, or refuse to consent to,” and substitute “or refuse”.

200. In page 72, line 22, to delete “record” and substitute “records”.

201. In page 72, to delete lines 25 and 26 and substitute the following:

“(a) his or her relevant consulted carers, or”.

202. In page 72, line 28, to delete “(a), (b) and (c)” and substitute “(a) and (b)”.

SECTION 62

203. In page 72, to delete lines 39 to 41, and in page 73, to delete lines 1 to 5 and substitute the following:

“(2) Where a child referred to in *subsection (1)* is the subject of a care order, the Executive may, with the agreement of the responsible consultant psychiatrist and with the consent of and on notice to the Agency, apply to the Family District Court or the District Court for the time being assigned to the Family District Court district or District Court district, as the case may be, where the child resides or is for the time being and, where the Court is satisfied that it is in the best interests of the child to be so admitted, the Court shall make an order authorising the admission of that child to the registered acute mental health centre.

(3) Where a guardian *ad litem* stands appointed for a child the subject of a care order at the time that an application under *subsection (2)* is proposed, the Executive shall notify the guardian *ad litem* of the proposed application in advance.”.

204. In page 73, to delete lines 6 to 10 and substitute the following:

“(3) Subject to *subsection (4)* and *section 71*, a voluntarily admitted child under 16 years of age may leave the registered acute mental health centre at any time into the care of his or her relevant carer, with the consent of his or her parents or guardian or the Agency.

(4) The Executive shall, as soon as may be, notify the Agency where a child the subject of a supervision order leaves a registered acute mental health centre under *subsection (4)*.

(5) Where a child under 16 years of age admitted to a registered acute mental health centre under this section may continue to require care and treatment in the registered acute mental health centre after attaining the age of 16, his or her responsible consultant psychiatrist shall, in consultation with the child, his or her parents or guardian or the Agency and the Executive, as appropriate, arrange for the child to be admitted under section 63, 64 or 66 or discharged under this section, as the case may be, immediately upon the child attaining the age of 16.”.

[SECTION 63]

SECTION 63

- 205.** In page 73, line 15, to delete “, or refuse to consent to,” and substitute “or refuse”.
- 206.** In page 73, line 19, to delete “who is the subject of a care order” and substitute “referred to in *subsection (4)*”.
- 207.** In page 73, line 24, after “order” to insert “, a voluntary care arrangement, an emergency care order or an interim care order”.
- 208.** In page 73, line 25, to delete “Child and Family”.
- 209.** In page 73, between lines 25 and 26, to insert the following:
- “(5) The Executive shall, as soon as may be, notify the Agency where a child the subject of a supervision order leaves a registered acute mental health centre under this section.”.

SECTION 64

- 210.** In page 73, line 28, to delete “*subsection (2)*” and substitute “*subsections (2) and (3)*”.
- 211.** In page 73, line 29, to delete “, or refuse to consent to,” and substitute “or refuse”.
- 212.** In page 73, to delete lines 33 to 39 and substitute the following:
- “(2) Where a child is—
- (a) the subject of a care order,
- (b) aged 16 years or older, and
- (c) assessed under *section 61* to lack the necessary capacity to consent to or refuse his or her admission on a voluntary basis,
- the Executive may, with the agreement of the responsible consultant psychiatrist and with the consent of and on notice to the Agency, apply to the Family District Court or the District Court for the time being assigned to the Family District Court district or District Court district, as the case may be, where the child resides or is for the time being located and, where the Court is satisfied that it is in the best interests of the child to be so admitted, the Court shall make an order authorising the admission of that child to that registered acute mental health centre.
- (3) Where a guardian *ad litem* stands appointed for a child the subject of a care order at the time that an application under *subsection (2)* is proposed, the Executive shall notify the guardian *ad litem* of the intended application in advance.”.
- 213.** In page 73, to delete lines 40 to 42, and in page 74, to delete lines 1 and 2 and substitute the following:
- “(3) Subject to *subsection (5)* and *section 71*, a child admitted to a registered acute mental health centre under this section may leave the registered acute mental health centre at any time into the care of his or her relevant carer, with the consent of his or her parents or guardian or the Agency, as the case may be.
- (4) The Executive shall, as soon as may be, notify the Agency where a child the subject of a supervision order is discharged from a registered acute mental health centre under this section.”.

[SECTION 64]

214. In page 74, to delete lines 9 to 13 and substitute the following:

“(b) arrange for capacity assessments of the child to be carried out in accordance with *section 61* to assess whether the child continues to lack the necessary capacity to consent to or refuse voluntary admission.”.

215. In page 74, line 15, to delete “, or refuse to consent to,” and substitute “or refuse”.

SECTION 65

216. In page 75, line 3, to delete “detention,” and substitute “detention”.

217. In page 75, line 4, after “to” to insert “materially”.

SECTION 66

218. In page 75, line 22, to delete “Where” and substitute “Subject to *subsection (3)*, where”.

219. In page 75, lines 23 to 39, to delete all words from and including “and where—” in line 23 down to and including “shall” in line 39 and substitute the following:

“the Executive shall, as soon as may be, arrange for a consultant psychiatrist to carry out an examination of the child.

(2) Where, following an examination under *subsection (1)*, the consultant psychiatrist is satisfied that the child has a mental disorder that fulfils the criteria for involuntary admission of a child, the Executive may”.

220. In page 75, lines 39 and 40, to delete “the District Court in the District Court district where the child concerned resides or is located,” and substitute “the Family District Court or the District Court for the time being assigned to the Family District Court district or District Court district, as the case may be, where the child resides or is for the time being.”.

221. In page 76, line 1, to delete “detention,” and substitute “detention”.

222. In page 76, between lines 2 and 3, to insert the following:

“(2) In carrying out an examination under *subsection (1)*, a responsible consultant psychiatrist shall consider, in consultation with the child’s relevant consulted carers, if any—

(a) whether the child may, in the first instance, be admitted—

(i) as a voluntarily admitted child under *section 62* or *63*, or

(ii) as a child aged 16 years or older lacking necessary capacity admitted with parental consent under *section 64*,

and

(b) if so, whether it would be in the best interests of the child to be admitted pursuant to *section 62*, *63* or *64*, as the case may be, rather than being admitted on an involuntary basis under this section.”.

223. In page 76, to delete lines 3 to 6 and substitute the following:

“(2) Where the Executive makes an application for involuntary admission under *subsection (2)** following an examination under *subsection (1)*, the consultant psychiatrist who carried out an examination of the child shall—

[SECTION 66]

- (a) report to the Court as soon as practicable within such period as is specified by the Court, which period shall be no longer than 72 hours after the giving of such direction by the Court, on the results of the examination, and
- (b) indicate to the Court whether he or she is satisfied that the child fulfils the criteria for involuntary admission of a child.”.

[*This is a reference to a subsection proposed to be inserted by amendment No. 219.]

224. In page 76, lines 7 and 8, to delete “*subsection (1)*” and substitute “*subsection (2)**”.

[*This is a reference to a subsection proposed to be inserted by amendment No. 219.]

225. In page 76, to delete lines 9 to 18 and substitute the following:

- “(a) the child is aged 16 years or older and refuses or does not consent to the examination,
- (b) in the case of a child under 16 years of age or a child aged 16 years or older who lacks the necessary capacity to consent to or refuse voluntary admission, the parents or guardian or the Agency refuse or do not consent to the examination of the child, or
- (c) in the case of a child referred to in *paragraph (b)* who is not the subject of a care order, following the making of reasonable enquiries by the Executive, the parents, or either of them, or guardian, cannot be found by the Executive.”.

226. In page 76, line 20, to delete “*subsection (1)*” and substitute “*subsection (2)**”.

[*This is a reference to a subsection proposed to be inserted by amendment No. 219.]

227. In page 76, line 21, to delete “the District Court” and substitute “the Family District Court or the District Court, as the case may be,”.

228. In page 76, to delete lines 24 to 26 and substitute the following:

“consultant psychiatrist and for that consultant psychiatrist to—

- (a) report to the Court as soon as practicable within such period as is specified by the Court, which period shall be no longer than 72 hours after the giving of such direction by the Court, on the results of the examination, and
- (b) indicate to the Court whether he or she is satisfied that the child fulfils the criteria for involuntary admission of a child.”.

229. In page 76, to delete lines 28 to 30 and substitute “*subsection (1) or (5)* where he or she is a relative of the child concerned.”.

230. In page 76, to delete lines 31 to 35.

231. In page 76, line 36, to delete “the Court” and substitute “the Family District Court or the District Court, as the case may be,”.

232. In page 76, line 41, after “order”)” to insert “for the involuntary admission of the child concerned in a specified registered acute mental health centre”.

[SECTION 66]

233. In page 76, after line 41, to insert the following:

- “(8) Where a guardian *ad litem* stands appointed for a child the subject of a care order at the time that an application for involuntary admission under *subsection (2)** is proposed, the Executive shall notify the guardian *ad litem* of the proposed application in advance.
- (9) Subject to *subsection (8)*, notice of an application for involuntary admission under *subsection (2)** and a copy of the proceedings shall be served by the Executive on—
 - (a) the child’s relevant notified carers, and
 - (b) any other person specified by the Family District Court or the District Court, as the case may be.
- (10) Before making an involuntary admission order under this section, the Family District Court or the District Court, as the case may be, may have regard to any submission made to it in relation to any matter by or on behalf of a party to the proceedings concerned or any other person having an interest in the proceedings.”.

[*This is a reference to a subsection proposed to be inserted by amendment No. 219.]

234. In page 77, line 1, to delete “*subsection (1)*” and substitute “*subsection (2)**”.

[*This is a reference to a subsection proposed to be inserted by amendment No. 219.]

235. In page 77, line 1, to delete “the Court” and substitute “the Family District Court or the District Court, as the case may be,”.

236. In page 77, lines 3 and 4, to delete “the District Court under *subsection (1)*” and substitute “the Family District Court or the District Court, as the case may be, under *subsection (2)**”.

[*This is a reference to a subsection proposed to be inserted by amendment No. 219.]

237. In page 77, line 5, to delete “detention,” and substitute “detention”.

SECTION 67

238. In page 77, line 11, to delete “detention,” and substitute “detention”.

239. In page 77, line 13, to delete “*subsection (2)*, *section 69* or *69(7)*” and substitute “*subsections (2)* and *(3)*, *section 69* and *70(7)*”.

240. In page 77, line 16, to delete “the District Court” and substitute “the Family District Court or the District Court for the time being assigned to the Family District Court district or District Court district, as the case may be, where the child resides or is for the time being”.

241. In page 77, line 22, to delete “District Court” and substitute “Family District Court or the District Court, as the case may be,”.

242. In page 77, line 25, to delete “District Court” and substitute “Family District Court or the District Court, as the case may be,”.

243. In page 77, line 30, to delete “District”.

244. In page 77, lines 34 to 36, to delete all words from and including “she—” in line 34 down to and including line 36 and substitute “she is a relative of the child concerned.”.

[SECTION 67]

245. In page 77, between lines 36 and 37, to insert the following:

- “(6) Where the Executive proposes to make an application under *subsection (2)*, it shall notify the guardian *ad litem* for the child appointed in accordance with Part VA of the Act of 1991, as applied by *section 60*, of the proposed application in advance.
- (7) Notice of an application under *subsection (2)* or *(3)* and a copy of the proceedings shall be served by the Executive on—
 - (a) the child’s relevant notified carers, and
 - (b) any other person specified by the Family District Court or the District Court, as the case may be.
- (8) Before making a renewal order under this section, the Family District Court or the District Court, as the case may be, may have regard to any submission made to it in relation to any matter by or on behalf of a party to the proceedings concerned or any other person having an interest in the proceedings.”.

246. In page 77, line 37, to delete “Court” and substitute “Family District Court or the District Court, as the case may be,”.

SECTION 69

247. In page 78, lines 7 and 8, to delete “Circuit Court against a decision of the District Court” and substitute “Family Circuit Court against a decision of the Family District Court or the District Court”.

248. In page 78, line 11, to delete “*sections 10, 20, 66, 67, 71, 73 and 74*” and substitute “*sections 10, 66, 67, 71, 73*, 74**, 75 and 79****”.

[*This is a reference to a section proposed to be inserted by amendment No. 276.]

[**This is a reference to a section proposed to be inserted by amendment No. 277.]

[***This is a reference to a section proposed to be inserted by amendment No. 290.]

249. In page 78, lines 16 and 17, to delete “parents, or either of them, or guardian, or, where the child is the subject of a care order, the Child and Family Agency” and substitute “parents or guardian or the Agency”.

250. In page 78, line 18, to delete “*section 74(2)*” and substitute “*section 75(2)*”.

251. In page 78, line 19, after “on the” to insert “Family”.

252. In page 78, line 20, to delete “the judge of the circuit” and substitute “a judge of the Family Circuit Court for the time being assigned to the Family Circuit Court circuit”.

253. In page 78, line 22, after “the” to insert “Family”.

254. In page 78, line 29, after “the” to insert “Family”.

255. In page 78, line 39, after “the” to insert “Family”.

[SECTION 69]

256. In page 78, lines 40 and 41, to delete “any proceedings under this section shall be served by the person bringing the proceedings and a copy of the proceedings shall be served” and substitute “an appeal under *subsection (1)* and a copy of the proceedings shall be served by the person bringing the appeal”.

257. In page 79, to delete lines 3 to 6 and substitute the following:

- “(c) the child’s relevant notified carers,
- (d) the registered proprietor of the registered acute mental health centre concerned,
- (e) the responsible consultant psychiatrist in respect of the child the subject of the appeal, and
- (f) any other person specified by the Family Circuit Court.”.

258. In page 79, between lines 6 and 7, to insert the following:

“(8) A person bringing an appeal under this section shall also notify the guardian *ad litem* for the child appointed in accordance with Part VA of the Act of 1991, as applied by *section 60*, of the bringing of the appeal.”.

259. In page 79, line 7, to delete “Circuit Court shall” and substitute “Family Circuit Court may”.

260. In page 79, lines 9 and 10, to delete “or any other person on whom notice is served under *subsection (7)*”.

SECTION 70

261. In page 79, between lines 10 and 11, to insert the following:

“Discharge of involuntarily admitted children

70. (1) Subject to *subsection (2)*, where a responsible consultant psychiatrist becomes of the opinion that a child no longer fulfils the criteria for involuntary admission of a child, the responsible consultant psychiatrist shall as soon as possible meet with the child concerned and—

(a) inform the child of his or her intention to notify the Executive under *subsection (4)* of his or her proposal to discharge the child and of the right of the child, if discharged, to leave the registered acute mental health centre or, with the responsible consultant psychiatrist’s agreement—

(i) remain as a voluntarily admitted child if—

(I) in the case of a child aged 16 years or older, the child wishes, or

(II) in the case of a child under 16 years of age, the child’s parents, or either of them, or guardian, wishes,

or

(ii) in the case of a child aged 16 years or older assessed as lacking capacity under *section 61*, remain as a child aged 16 years or older lacking necessary capacity admitted with parental consent if his or her parents, or either of them, or guardian wishes,

[SECTION 70]

and

- (b) provide the child with all relevant information from the child's care plan prepared in accordance with *section 180* and information regarding—

- (i) what will occur if the child leaves the registered acute mental health centre, and

- (ii) what will occur if the child remains in the registered acute mental health centre in accordance with *paragraph (a)(i)* or *(ii)*.

- (2) Where a child referred to in *subsection (1)*—

- (a) is under 16 years of age or is assessed as lacking capacity under *section 61*, and

- (b) is the subject of a care order,

that subsection shall apply in relation to the child with the modification that the child may remain as a voluntarily admitted child in the registered acute mental health centre with the responsible consultant psychiatrist's agreement where an order is made by the Family District Court or the District Court, as the case may be, authorising the admission under *section 62(2)** or *64(2)***.

- (3) The meeting referred to in *subsection (1)* may also be attended by—

- (a) the child's relevant consulted carers, if any, and

- (b) any nominated person.

- (4) Where, following a meeting under *subsection (1)*, a responsible consultant psychiatrist proposes to discharge a child under that subsection, the responsible consultant psychiatrist or another mental healthcare professional who is involved in the child's care and treatment shall—

- (a) notify—

- (i) the Executive,

- (ii) the child's guardian *ad litem*,

- (iii) the child's relevant consulted carers, if any, and

- (iv) in relation to a child who is the subject of a voluntary care arrangement, an emergency care order, an interim care order or a supervision order, if not already notified under *subparagraph (iii)*, the Agency,

of the proposal to discharge the child, together with a report of his or her opinion that the child no longer fulfils the criteria for involuntary admission of a child, for the purpose of *subsection (6)*, and

- (b) engage with the child concerned and, in so far as is practicable, where appropriate, liaise with the persons referred to in *paragraph (a)* or *(b)* of *subsection (3)* as they apply in respect of the child concerned for the purposes of planning the child's discharge.

- (5) Where the Family District Court or the District Court, as the case may be, refuses an

[SECTION 70]

application for a renewal order under *section 67* in relation to a child, *subsections (1) to (4)* shall apply to the child concerned and his or her responsible consultant psychiatrist with the modification that the discharge of the child has been authorised by the Family District Court or the District Court under *subsection (7)*, and a further application under *subsection (6)* shall not be required.

- (6) Where the Executive has been notified of a proposal to discharge a child under *subsection (4)*, the Executive shall make an application to the Family District Court or the District Court for the time being assigned to the Family District Court district or District Court district, as the case may be, where the child resides or is for the time being and furnish the report referred to in *subsection (4)(a)* to the Court upon the making of the application.
- (7) Subject to *subsection (9)*, where the Court is satisfied, having considered an application under *subsection (6)*, that the child no longer meets the criteria for involuntary admission of a child, the Court shall make an order authorising the discharge of the child as an involuntarily admitted child from the registered acute mental health centre.
- (8) Notice of an application under *subsection (6)* and a copy of the proceedings shall be served by the Executive on—
 - (a) the child's relevant notified carers, and
 - (b) any other person specified by the Family District Court or the District Court, as the case may be.
- (9) Before making an order authorising the discharge of the child as an involuntarily admitted child under *subsection (7)*, the Family District Court or the District Court, as the case may be—
 - (a) shall have regard to the report referred to in *subsection (4)(a)*, and
 - (b) may have regard to any submission made to it in relation to any matter by or on behalf of a party to the proceedings concerned or any other person having an interest in the proceedings.
- (10) The decision under this section for a child to remain in a registered acute mental health centre as a voluntarily admitted child or a child aged 16 years or older lacking necessary capacity admitted with parental consent, or to not remain, shall be recorded and a copy shall be retained in the child's medical records.
- (11) Where a child discharged under this section is—
 - (a) the subject of a care order, a voluntary care arrangement, an emergency care order or an interim care order, or
 - (b) where *paragraph (a)* does not apply, under 16 years of age or aged 16 years or older and assessed as lacking capacity to consent under *section 61*,
he or she shall be released into the care of his or her relevant carer.”.

[*This is a reference to a subsection proposed to be inserted by amendment No. 203.]

[**This is a reference to a subsection proposed to be inserted by amendment No. 212.]

[Acceptance of this amendment involves the deletion of section 70 of the Bill.]

[SECTION 71]

SECTION 71

- 262.** In page 81, line 16, after “examination” to insert “and consultation with the responsible consultant psychiatrist”.
- 263.** In page 81, line 18, to delete “the involuntary admission shall” and substitute “the detention shall”.
- 264.** In page 81, lines 18 to 20, to delete all words from and including “parents,” in line 18 down to and including “as the case may be,” in line 20 and substitute “relevant notified carers”.
- 265.** In page 81, line 24, after “accordance” to insert “with that section”.
- 266.** In page 81, between lines 30 and 31, to insert the following:
- “(4) Where a child discharged under this section is—
- (a) the subject of a care order, a voluntary care arrangement, an emergency care order or an interim care order, or
- (b) where *paragraph (a)* does not apply, under 16 years of age or aged 16 years or older and assessed as lacking capacity to consent under *section 61*,
- he or she shall be released into the care of his or her relevant carer.”.
- 267.** In page 81, to delete lines 34 to 40 and substitute the following:
- “*section 66(2)**, subject to the following modifications:
- (a) the application shall be made—
- (i) at the next sitting of the Family District Court held in the Family District Court district in which the child resides or is for the time being,
- (ii) in circumstances of urgency where no judge of the Family District Court is available to hear the application, at the next sitting of the District Court held in the same District Court district, or
- (iii) in the event that the next sitting of the Family District Court or District Court is not due to be held within 3 working days of the date on which the child is detained under this section, at a sitting of the Family District Court or District Court which has been specially arranged under *paragraph (d)*, held within the said 3 working days;
- (b) where a judge for the Family District Court district or a judge for the District Court district in which the child resides or is for the time being is not immediately available, an order may be made by any judge of the Family District Court or the District Court;
- (c) the application may, if the judge is satisfied that the urgency of the matter so requires, be made *ex parte*;
- (d) the application may, if the judge is satisfied that the urgency of the matter so requires, be heard and an order made thereon elsewhere than at a sitting of the Family District Court or a public sitting of the District Court;
- (e) the Executive shall furnish reports, prepared by the psychiatrist or psychiatrists

[SECTION 71]

concerned, of the examinations under *subsection (2)* when making the application.”.

[*This is a reference to a subsection proposed to be inserted by amendment No. 219.]

268. In page 81, line 43, to delete “*section 66(1)*” and substitute “*section 66(2)*”.

[*This is a reference to a subsection proposed to be inserted by amendment No. 219.]

269. In page 81, line 44, to delete “retain” and substitute “continue the”.

270. In page 81, line 45, to delete “Court” and substitute “Family District Court or District Court, as the case may be,”.

271. In page 82, line 2, to delete “record” and substitute “records”.

272. In page 82, line 4, to delete “*section 66(1)*” and substitute “*section 66(2)*”.

[*This is a reference to a subsection proposed to be inserted by amendment No. 219.]

273. In page 82, line 5, to delete “*paragraph (a) or (b)*” and substitute “*paragraph (a), (b) or (c)*”.

[*This is a reference to a paragraph proposed to be inserted by amendment No. 225.]

274. In page 82, lines 8 and 9, to delete “of the decision to involuntarily admit or the decision not to involuntarily admit a child under this section” and substitute “of a decision under this section to make an application for involuntary admission under *section 66* or to not make such an application”.

SECTION 72

275. In page 82, between lines 9 and 10, to insert the following:

“Notification to Agency

72. Where a child was the subject of a care order, a voluntary care arrangement, an emergency care order, an interim care order or a supervision order at the time of his or her admission under *section 62, 63, 64 or 66* and that arrangement or order ceases during his or her period of admission, the Executive shall, as soon as may be, notify the Agency where the child concerned—

- (a) is the subject of a renewal order under *section 67*,
- (b) leaves a registered acute mental health centre under *section 62, 63, 64 or 71*, or
- (c) is discharged from a registered acute mental health centre under *section 70*.”.

276. In page 82, between lines 9 and 10, to insert the following:

“Powers of Garda Síochána to take child into custody in certain circumstances

73. (1) Where a member of An Garda Síochána has reasonable grounds for believing that a child has a mental disorder that fulfils *paragraph (a)* of the criteria for involuntary admission of a child, the member may either alone or with any other member or members of An Garda Síochána—

- (a) take all reasonable measures necessary to take the child into custody and arrange

[SECTION 72]

for the matters specified in *subsections (3), (4), (6), (8), (10), (13), (15) and (16)*, as applicable, to be carried out as soon as practicable, but no later than 6 hours after the time that the child is taken into custody, and

- (b) enter, if needs be by force, any dwelling or other premises or any place if he or she has reasonable grounds for believing that the child is to be found there.
- (2) The period referred to in *subsection (1)(a)* may be extended by one additional period of 6 hours under the authorisation of a member of An Garda Síochána not below the rank of inspector if he or she has reasonable grounds for believing that the additional period is necessary in order that the matters specified in *subsections (3), (4), (6), (8), (10), (13), (15) and (16)*, as applicable, may be carried out.
- (3) Where a member of An Garda Síochána takes a child into custody under *subsection (1)*, he or she or any other member or members of An Garda Síochána shall contact—
 - (a) in relation to a child the subject of a care order, the Agency,
 - (b) in relation to a child the subject of a voluntary care arrangement, an emergency care order, an interim care order or a supervision order, the Agency and the child's parents, or either of them, or guardian, and
 - (c) in all other circumstances, the child's parents, or either of them, or guardian,as soon as practicable, but no later than 3 hours from the time that the child is taken into custody.
- (4) Where a member of An Garda Síochána takes a child into custody under *subsection (1)*, he or she or any other member or members of An Garda Síochána may request—
 - (a) a registered medical practitioner to carry out an examination of the child, or
 - (b) the Executive to arrange for a consultant psychiatrist to carry out an examination of the child,to assess whether the child has a mental disorder that fulfils the criteria for involuntary admission of a child requiring an application for involuntary admission of a child under *section 66*.
- (5) In so far as possible, an examination under *subsection (4)* shall also be attended by the persons specified in *paragraphs (a), (b) or (c) of subsection (3)*, as the case may be.
- (6) Where, following an examination of a child under *subsection (4)*—
 - (a) a registered medical practitioner is of the opinion that the child concerned has a mental disorder that fulfils the criteria for involuntary admission of a child, a member or members of An Garda Síochána—
 - (i) shall, subject to *subsection (7)*—
 - (I) release the child into the care of his or her relevant carer for the purpose of that person or persons engaging with the Executive to assess whether an application for involuntary admission under *section 66* is required in respect of the child, and

[SECTION 72]

- (II) notify the Executive that the child has been released into the care of his or her relevant carer,
 - and
 - (ii) may request the Executive to assess whether an application for involuntary admission under *section 66* is required in respect of the child,
- or
- (b) a consultant psychiatrist is of the opinion that the child has a mental disorder that fulfils the criteria for involuntary admission of a child—
 - (i) subject to *subsection (7)*, a member or members of An Garda Síochána shall release the child into the care of his or her relevant carer, and
 - (ii) the Executive may make an application for involuntary admission under *section 66* in respect of the child.
- (7) A member or members of An Garda Síochána shall not release a child under *paragraph (a)(i) or (b)(i) of subsection (6)* where—
 - (a) in the opinion of the member or members of An Garda Síochána responsible for the child, there is an immediate and serious risk to the health or welfare of the child or that of another person by releasing the child,
 - (b) in the opinion of the registered medical practitioner or consultant psychiatrist concerned, there is an immediate and serious risk to the health or welfare of the child or that of another person by releasing the child,
 - (c) in the case of a child who is not the subject of a care order, a voluntary care arrangement, an emergency care order or an interim care order, his or her relevant carer, after the making of reasonable enquiries, cannot be found, or
 - (d) his or her detention is authorised by law other than under this Act.
- (8) Where *paragraph (a), (b) or (c) of subsection (7)* applies, the member or members of An Garda Síochána may request that the Executive take charge of the child as soon as possible until such time as—
 - (a) an involuntary admission order is made under *section 66* in respect of the child,
 - or
 - (b) the Executive assesses that an application for involuntary admission under *section 66* is not required in respect of the child.
- (9) The Executive shall comply with the request under *subsection (8)* as soon as practicable.
- (10) Where *subsection (7)(c)* applies and the child's relevant carer is subsequently found, the child shall be released from the custody of An Garda Síochána or from the charge of the Executive, as the case may be, unless, in the opinion of the member or members of An Garda Síochána responsible for the child or the Executive, there is an immediate and serious risk to the health or welfare of the child or that of another person by releasing the child into the care of that person or persons.

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- (11) Where a request is made under *subsection (8)* due to *paragraph (a)* or *(c)* of *subsection (7)* applying, the member or members of An Garda Síochána responsible for the child shall notify the Agency as soon as may be.
- (12) Where—
- (a) in advance of an examination of a child under *subsection (4)*, the member or members of An Garda Síochána responsible for the child has or have reasonable grounds for believing that the child concerned no longer has a mental disorder that fulfils *paragraph (a)* of the criteria for involuntary admission of a child, or
 - (b) following an examination of a child under *subsection (4)*, a registered medical practitioner or consultant psychiatrist referred to in that subsection is of the opinion that the child concerned does not have a mental disorder that fulfils the criteria for involuntary admission of a child,
- the child shall, subject to *subsections (13), (14)* and *(15)*, be released from the custody of An Garda Síochána.
- (13) Where *paragraph (a)* or *(b)* of *subsection (12)* applies—
- (a) where the child is the subject of a care order, a voluntary care arrangement, an emergency care order or an interim care order, a member or members of An Garda Síochána shall release the child into the care of the Agency unless his or her detention is authorised other than under this Act, and
 - (b) subject to *subsection (14)*, in all other circumstances—
 - (i) where the child is under 16 years of age, a member or members of An Garda Síochána shall release the child into the care of his or her relevant carer, and
 - (ii) where the child is aged 16 years or older, a member or members of An Garda Síochána shall release the child immediately,unless the detention of the child is authorised other than under this Act.
- (14) A member or members of An Garda Síochána shall not release a child under *subsection (13)(b)* where—
- (a) in the opinion of the member or members of An Garda Síochána responsible for the child, there is an immediate and serious risk to the health or welfare of the child by releasing the child, or
 - (b) in respect of a child referred to in *subsection (13)(b)(i)*, his or her relevant carer, after the making of reasonable enquiries, cannot be found,
- until such time as a request is made under *subsection (15)* or a notification is made under *subsection (16)*, as the case may be.
- (15) Where *subsection (14)(a)* applies, a member or members of An Garda Síochána may request the Agency that the child be delivered up to the custody of the Agency under section 12 of the Act of 1991 as soon as may be.
- (16) Where *subsection (14)(b)* applies, a member or members of An Garda Síochána may notify the Agency.”.

[Acceptance of this amendment involves the deletion of section 72 of the Bill.]

[SECTION 73]

SECTION 73

Section proposed to be deleted.

SECTION 74

277. In page 84, between lines 5 and 6, to insert the following:

“Bringing of child subject of involuntary admission order to registered acute mental health centre

74. (1) Where an involuntary admission order is made under *section 66* in respect of a child, the child’s relevant carer shall arrange for the child to be brought to the registered acute mental health centre specified in the order as soon as practicable after the making of the order.
- (2) Where a child’s relevant carer is unable to arrange for the child to be brought to the registered acute mental health centre in accordance with *subsection (1)*, the relevant carer shall request—
- (a) the clinical director of the registered acute mental health centre specified in the order, or
 - (b) a consultant psychiatrist acting on that clinical director’s behalf,
- to arrange for the child concerned to be brought to the registered acute mental health centre.
- (3) Where the relevant carer of a child the subject of an involuntary admission order, other than the Agency, fails or refuses to arrange for the child to be brought to the registered acute mental health centre specified in the order, the clinical director of the registered acute mental health centre concerned or a consultant psychiatrist acting on the clinical director’s behalf shall arrange for the child concerned to be brought to the registered acute mental health centre.
- (4) A person referred to in *paragraph (a) or (b) of subsection (2)*, on foot of a request made under that subsection, shall arrange for the child the subject of the involuntary admission order to be brought to the specified registered acute mental health centre by members of the staff of the centre or a service provider as soon as practicable.
- (5) A clinical director or consultant psychiatrist referred to in *paragraph (a) or (b) of subsection (2)* or in *subsection (3)* may request a member of An Garda Síochána to assist in bringing the child the subject of the involuntary admission order to the specified registered acute mental health centre where the clinical director or consultant psychiatrist concerned is of the opinion that such assistance is necessary to protect the health of the child or other persons from the threat of immediate and serious harm.
- (6) Where a request is made to An Garda Síochána under *subsection (4)*, a member or members of An Garda Síochána—
- (a) shall comply with that request as soon as practicable, and
 - (b) may—

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- (i) enter if needs be by force any dwelling or other premises or any place if the member has reasonable cause to believe that the child concerned is to be found there, and
 - (ii) take all reasonable measures necessary to bring the child the subject of the order to the registered acute mental health centre including the detention or restraint of the child concerned.
- (7) A member of An Garda Síochána who under *subsection (5)(b)(ii)* detains or restrains a child the subject of an order shall cease the detention or restraint immediately upon the detention or restraint no longer being necessary, in the opinion of the member of An Garda Síochána applying the restraint, in order to protect the health of the child or other persons from the threat of immediate and serious harm.”.

278. In page 84, to delete lines 12 to 39, and in page 85, to delete lines 1 to 17 and substitute the following:

- “(2) A notice under *subsection (1)* and any information provided in accordance with *subsection (3)** shall be given to—
- (a) the child concerned,
 - (b) the child’s relevant consulted carers, if any,
 - (c) in relation to a child who is the subject of a voluntary care arrangement, an emergency care order, an interim care order or a supervision order, if not already notified under *paragraph (b)*, the Agency, and
 - (d) where relevant, any nominated person.
- (3) A notice under *subsection (1)* shall include a statement in writing to the effect that—
- (a) the child’s relevant consulted carers, if any, will be given a general description of the proposed care and treatment to be administered to the child during the period of his or her admission,
 - (b) the child’s relevant consulted carers, if any, are entitled to receive information on any aspect of the child’s proposed care and treatment at any time during the period of admission,
 - (c) the recipient will be provided with an explanatory note on the guiding principles that apply in relation to all decisions regarding the child’s care and treatment,
 - (d) the recipient is informed of the rights of the child or his or her parents or guardian or the Agency, where appropriate, subject to *Chapter 3*, to consent or refuse to consent to treatment,
 - (e) the recipient is informed of the complaints procedure for the registered acute mental health centre and of the entitlement of the child and his or her parents or guardian or the Agency to bring a complaint under that procedure,
 - (f) the recipient is informed of any relevant advocacy services,
 - (g) the recipient is informed of the entitlement of the child and his or her parents or guardian or the Agency to communicate with the Chief Inspector,

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- (h) the recipient is informed of the entitlement of the child and his or her relevant consulted carers, if any, to discuss discharge planning,
- (i) the recipient is informed of the entitlement of the child to engage with—
 - (i) his or her relevant consulted carers, and
 - (ii) where applicable, a nominated person,
- (j) the recipient will be provided with all other relevant information as outlined in the code of practice relating to admission of children, and
- (k) the recipient is informed of the entitlement of the child to leave the registered acute mental health centre at any time, subject to *sections 62(4)***, *63(3)*, *63(5)*, *64(4)**** and *71.*”.

[**This is a reference to a subsection proposed to be inserted by this amendment.*]

[***This is a reference to a subsection proposed to be inserted by amendment No. 204.*]

[****This is a reference to a subsection proposed to be inserted by amendment No. 213.*]

- 279.** In page 85, lines 18 and 19, to delete “subsequently provided thereunder” and substitute “provided in accordance with *subsection (3)*”.

SECTION 75

- 280.** In page 85, lines 22 to 27, to delete all words from and including “(1) The” in line 22 down to and including line 27.
- 281.** In page 85, line 29, after “practicable” to insert “but not later than 24 hours”.
- 282.** In page 85, to delete lines 32 to 39, to delete page 86 and in page 87, to delete lines 1 to 4 substitute the following:

“(3) A notice under *subsection (2)* and any information provided in accordance with *subsection (4)** shall be given to—

- (a) the child concerned,
 - (b) the child’s relevant consulted carers, if any,
 - (c) in relation to a child who is the subject of a voluntary care arrangement, an emergency care order, an interim care order or a supervision order, if not already notified under *paragraph (b)*, the Agency, and
 - (d) where relevant, any nominated person.
- (4) A notice under *subsection (2)* shall include a statement in writing to the effect that—
- (a) the child’s relevant consulted carers, if any, will be given a general description of the proposed care and treatment to be administered to the child during the period of his or her involuntary admission,
 - (b) the child’s relevant consulted carers, if any, are entitled to receive information on any aspect of the child’s proposed care and treatment at any time during the period of involuntary admission,
 - (c) the recipient will be provided with an explanatory note on the guiding principles

[SECTION 75]

that apply in relation to all decisions regarding the child's care and treatment,

- (d) the recipient is informed of the rights of the child or his or her parents or guardian or the Agency, where appropriate, subject to *Chapter 3*, to consent or refuse to consent to treatment,
- (e) the recipient is informed of the complaints procedure for the registered acute mental health centre and of the entitlement of the child and his or her parents or guardian or the Agency to bring a complaint under that procedure,
- (f) the recipient is informed of any relevant advocacy services,
- (g) the recipient is informed of the entitlement of the child and his or her parents or guardian or the Agency to communicate with the Chief Inspector,
- (h) the recipient is informed that a court may, in any proceedings under this Part that the child to whom the notice relates is a party, if it thinks fit, appoint a solicitor to represent the interests of the child in the proceedings pursuant to section 25 of the Act of 1991,
- (i) the recipient is informed of the guardian *ad litem* appointed for him or her following the making of the involuntary admission order in accordance with Part VA of the Act of 1991, as applied by *section 60*,
- (j) the recipient is provided with all other relevant information as outlined in the code of practice relating to admission of children,
- (k) the recipient is informed of the entitlement to appeal to the Family Circuit Court under *section 69* against an involuntary admission order or a renewal order, and of the effect of such appeals,
- (l) the recipient is informed of the entitlement of the child and his or her relevant consulted carers, if any, to discuss discharge planning, and
- (m) the recipient is informed of the entitlement of the child to engage with—
 - (i) his or her relevant consulted carers, and
 - (ii) where applicable, a nominated person.”.

[*This is a reference to a subsection proposed to be inserted by this amendment.]

283. Inpage 87, lines 5 and 6, to delete “subsequently provided thereunder” and substitute “provided in accordance with *subsection (4)*”.

SECTION 76

284. In page 87, lines 9 and 10, to delete “(1) Subject to *subsection (2)*, the parents of a child, or either of them, or guardian, or, where the child is the subject of a care order, the Child and Family Agency,” and substitute “The child’s relevant consulted carers, if any.”.

285. In page 87, line 12, after “child,” to insert “and”.

286. In page 87, to delete lines 13 to 15.

287. In page 87, to delete lines 19 to 22.

[SECTION 77]

SECTION 77

288. In page 87, between lines 22 and 23, to insert the following:

“Bringing of child other than child subject of involuntary admission order to registered acute mental health centre

77. (1) Where a child is to be admitted to a registered acute mental health centre under *section 62 or 64* and his or her relevant carer is unable to arrange to bring the child to the registered acute mental health centre, the relevant carer shall request—
- (a) the clinical director of the registered acute mental health centre which the child is to be admitted to, or
 - (b) a consultant psychiatrist acting on that clinical director’s behalf,
- to arrange for the child concerned to be brought to the registered acute mental health centre.
- (2) A person referred to in *paragraph (a) or (b) of subsection (1)* shall arrange for the child referred to in that subsection to be brought to the registered acute mental health centre by members of the staff of the centre or a service provider as soon as practicable.”.

289. In page 87, between lines 22 and 23, to insert the following:

“Transfer of involuntarily admitted child to hospital or other place in certain circumstances

78. (1) A clinical director of a registered acute mental health centre may arrange for the transfer of an involuntarily admitted child detained in that centre to a hospital or other place, other than a registered acute mental health centre, for the purposes of receiving treatment and for his or her detention there for that purpose.
- (2) A child who is transferred under *subsection (1)* may be kept at the hospital or other place so long as is necessary for the purpose of his or her treatment, but no longer than the expiry of the involuntary admission order or any subsequent renewal order pursuant to which he or she is detained, and shall then be taken immediately back to the registered acute mental health centre from which he or she was transferred.
- (3) The detention of a child in a hospital or other place, other than a registered acute mental health centre, under this section shall be deemed for the purposes of this Act to be detention in the registered acute mental health centre from which he or she was transferred.”.

290. In page 87, between lines 22 and 23, to insert the following:

“Transfer of child by clinical director in certain circumstances

79. (1) Where, in relation to an involuntarily admitted child, the clinical director of a registered acute mental health centre (in this section referred to as the “first-mentioned registered acute mental health centre”) is of the opinion that—

[SECTION 77]

- (a) it would be for the benefit of the involuntarily admitted child in the first-mentioned registered acute mental health centre to be transferred to another registered acute mental health centre (in this section referred to as a “second-mentioned registered acute mental health centre”), or
- (b) for the purpose of obtaining special treatment, the details of which shall be specified in writing, it is necessary for the child to be transferred to a second-mentioned registered acute mental health centre,

the Executive may, with the consent of the clinical director of the first-mentioned registered acute mental health centre and the clinical director of the second-mentioned registered acute mental health centre, apply to the Family District Court or the District Court for the time being assigned to the Family District Court district or District Court district, as the case may be, where the child resides or is for the time being, for the transfer of the involuntarily admitted child to the second-mentioned registered acute mental health centre.

- (2) Where, following an application under *subsection (1)*, the Court is satisfied that it is in the best interests of the child to be transferred, the Court shall make an order authorising the transfer, reception and care and treatment of that child in that second-mentioned registered acute mental health centre.
- (3) Where a guardian *ad litem* stands appointed for a child the subject of a care order at the time that an application under *subsection (1)* is proposed, the Executive shall notify the guardian *ad litem* of the proposed application in advance.
- (4) Notice of the application under *subsection (1)* and a copy of the proceedings shall be served by the Executive on—
 - (a) the child’s relevant notified carers, and
 - (b) any other person specified by the Family District Court or the District Court, as the case may be.
- (5) Before making an order under *subsection (2)*, the Family District Court or the District Court, as the case may be, may have regard to any submission made to it in relation to any matter by or on behalf of a party to the proceedings concerned or any other person having an interest in the proceedings.
- (6) Where an involuntarily admitted child is transferred to a second-mentioned registered acute mental health centre following the making of an order under *subsection (2)*, the clinical director of the first-mentioned registered acute mental health centre shall give notice in writing of the transfer to the Commission within 24 hours of the transfer having taken place.
- (7) A child who is transferred to a second-mentioned registered acute mental health centre following an application under *subsection (1)(a)* may be detained in the second-mentioned registered acute mental health centre until the date of the expiration of the involuntary admission order pursuant to which he or she was detained in the first-mentioned registered acute mental health centre.
- (8) A child who is transferred to a second-mentioned registered acute mental health

centre following an application under *subsection (1)(b)* may be detained there so long as is necessary for the purpose of the specified special treatment and shall then be taken back to the first-mentioned registered acute mental health centre, which taking back may not occur later than the date of the expiration of the involuntary admission order pursuant to which he or she was detained in the first-mentioned registered acute mental health centre.

- (9) In this section, references to an involuntary admission order include references to a renewal order.”.

291. In page 87, between lines 22 and 23, to insert the following:

“Request for application for transfer of child

80. (1) A request may be made to the clinical director of a registered acute mental health centre for the transfer of an involuntarily admitted child detained in that centre to another registered acute mental health centre by—

- (a) subject to *paragraph (b)*, in the case of a child aged 16 years or older, the child concerned or any nominated person, and
 - (b) in the case of a child aged 16 years or older assessed as lacking capacity to consent under *section 61* or a child under 16 years of age, his or her parents or guardian or the Agency or, where relevant, any nominated person.
- (2) Subject to *subsection (3)*, a clinical director who receives a request under *subsection (1)* may request the Executive to make an application under *section 79** for the transfer of the involuntarily admitted child with the consent of the clinical director of the registered acute mental health centre to which the child is to be transferred.
- (3) Before deciding whether to request the Executive to make an application under *section 79**, the clinical director who received the request under *subsection (1)* shall consult with the child the subject of the application, the responsible consultant psychiatrist and other members of the child’s multidisciplinary team and, as appropriate, the child’s parents or guardian or the Agency and any nominated person.
- (4) The clinical director who received the request under *subsection (1)* shall, within 7 days of receiving the request—
- (a) make his or her decision on whether or not to request the Executive to make an application under *section 79**,
 - (b) provide a copy in writing of that decision to the person who made the request which shall include, where the clinical director refuses a request, the reasons for refusing the request, and
 - (c) send a copy of the request and his or her decision to the Commission.”.

[*This is a reference to a section proposed to be inserted by amendment No. 290.]

[SECTION 77]

- 292.** In page 87, line 26, to delete “grant” and substitute “give”.
- 293.** In page 87, line 26, to delete “Part” and substitute “Act”.
- 294.** In page 87, lines 31 to 33, to delete all words from and including “parents” in line 31 down to and including “Agency” in line 33 and substitute “child’s parents or guardian or the Agency”.
- 295.** In page 87, between lines 36 and 37, to insert the following:
- “(2) Where a permitted absence is given under *subsection (1)* to—
- (a) a child the subject of a care order, a voluntary care arrangement, an emergency care order or an interim care order, or
- (b) a child under 16 years of age or aged 16 years or older assessed as lacking capacity to consent under *section 61*,
- he or she shall be released into the care of his or her relevant carer for the duration of the permitted absence.
- (3) The responsible consultant psychiatrist shall, where practicable, give adequate notice of not less than 3 days to the child’s relevant notified carers in advance of giving a permitted absence under *subsection (1)*.”.
- 296.** In page 87, line 37, to delete “*subsection (1)*,” and substitute “*subsection (1)*”.
- 297.** In page 88, to delete lines 1 to 4.
- 298.** In page 88, line 6, to insert “responsible” before “consultant psychiatrist”.
- 299.** In page 88, line 8, after “child” to insert “and his or her relevant carer for the child”.

SECTION 78

- 300.** In page 88, lines 23 and 24, to delete all words from and including “child,” in line 23 down to and including “Agency” in line 24 and substitute “child or his or her relevant carer”.

SECTION 79

- 301.** In page 89, lines 16 and 17, to delete all words from and including “parents,” in line 16 down to and including “Agency,” in line 17 and substitute “parents or guardian or the Agency”.

SECTION 80

- 302.** In page 89, lines 24 and 25, to delete “(in this section referred to as “information relevant to the decision”)”.
- 303.** In page 89, line 29, to delete “*section 60*” and substitute “*section 61*”.
- 304.** In page 89, to delete lines 30 to 37 and substitute the following:

“consent of the child’s parents or guardian or the Agency obtained freely without threats or inducement where—

- (a) adequate information in a form and language that the child can understand on the nature, purpose and likely effects of the treatment concerned has been given to the child’s parents or guardian or the Agency, and
- (b) due regard has been given to the views and the will and preferences of the child in accordance with the guiding principles.”.

[SECTION 80]

- 305.** In page 90, lines 4 to 6, to delete all words from and including “*section 61*” in line 4 down to and including “Agency” in line 6 and substitute “*section 61*, his or her parents or guardian or the Agency”.

SECTION 81

- 306.** In page 90, lines 12 to 14, to delete all words from and including “parents,” in line 12 down to and including “Agency,” in line 14 and substitute “parents or guardian or the Agency”.
- 307.** In page 90, lines 17 to 19, to delete all words from and including “The parents” in line 17 down to and including “Agency,” in line 19 and substitute “In respect of an involuntarily admitted child under 16 years of age, his or her parents or guardian or the Agency”.
- 308.** In page 90, to delete lines 26 and 27.

SECTION 82

- 309.** In page 90, lines 35 and 36, to delete “parents, or either of them, or guardian, or, where the child is the subject of a care order, the Child and Family Agency refuses” and substitute “parents or guardian or the Agency refuse or refuses”.
- 310.** In page 90, line 38, before “his” to insert “other than where the child is the subject of a care order,”.
- 311.** In page 91, lines 3 and 4, to delete “parents, or either of them, or guardian, or, where the child is the subject of a care order, the Child and Family Agency refuses” and substitute “parents or guardian or the Agency refuse or refuses”.
- 312.** In page 91, line 6, before “his” to insert “other than where the child is the subject of a care order,”.
- 313.** In page 91, line 8, to delete “or on behalf of the responsible consultant psychiatrist” and substitute “the Executive”.
- 314.** In page 91, line 9, after “the”, where it firstly occurs, to insert “Family”.
- 315.** In page 91, line 21, after “will” to insert “materially”.
- 316.** In page 91, line 24, after “the” to insert “Family High”.
- 317.** In page 91, lines 30 to 32, to delete all words from and including “the parents” in line 30 down to and including “or its” in line 32 and substitute “his or her parents or guardian or the Agency withdraws the”.
- 318.** In page 91, between lines 33 and 34, to insert the following:
- “(4) Where an application is made to the Family High Court under *subsection (1)*, the Executive shall immediately notify—
- (a) the guardian *ad litem* appointed for the child, and
- (b) the child’s relevant notified carers,
- of the making of the application and any treatment provided under *subsection (6)**.”.

[*This is a reference to a subsection proposed to be inserted by amendment No. 320.]

[SECTION 82]

319. In page 91, line 34, after “the” to insert “Family High”.

320. In page 91, after line 39, to insert the following:

- “(5) An application may be made by the Executive to the Family High Court to renew a treatment order made under this section, subject to any directions of the Court, where the grounds in *paragraph (a) or (b) of subsection (1)* and the relevant criteria in *subsection (2)* continue to apply.
- (6) Where an application to the Family High Court has been made under *subsection (1) or (5)* in relation to an involuntarily admitted child under 16 years of age or an involuntarily admitted child aged 16 years or older who has been assessed as lacking capacity under *section 61*, treatment may be administered to the involuntarily admitted child prior to the hearing of the application, for a period of 72 hours after its initiation or until the hearing of the application by the Family High Court, whichever is sooner, where, in the opinion of the responsible consultant psychiatrist, the grounds in *paragraph (a) or (b) of subsection (1)* and the relevant criteria in *subsection (2)* continue to apply.
- (7) Where treatment is administered to a child without consent pursuant to a treatment order under *subsection (1)* or prior to the hearing of the application under *subsection (6)*, the absence of consent and details of the treatment or treatments shall be noted in his or her medical records.
- (8) A treatment order shall, subject to any directions of the Family High Court, have effect for a period not exceeding 3 months.”.

321. In page 92, line 1, after “the”, where it firstly occurs, to insert “Family High”.

322. In page 92, line 5, after “age,” to insert “or”.

323. In page 92, to delete lines 8 to 10.

324. In page 92, lines 11 to 13, to delete all words from and including “the” where it secondly occurs in line 11 down to and including “Agency,” in line 13 and substitute “the child’s parents or guardian or the Agency”.

325. In page 92, line 14, to delete “parents, or either of them, or guardian, or, the Child and Family Agency” and substitute “parents or guardian or the Agency”.

326. In page 92, line 15, to delete “or refuse to consent to treatment” and substitute “or refuse treatment”.

327. In page 92, lines 16 and 17, to delete “*paragraphs (a), (b), (c) and (d) of subsection (2) apply*” and substitute “*paragraphs (a), (b) and (d) of subsection (2) apply* (with the modification that a reference to an involuntarily admitted child shall be construed as a reference to the child concerned)”.

328. In page 92, line 21, to delete “record” and substitute “records”.

SECTION 83

Section proposed to be deleted.

[SECTION 84]

SECTION 84

329. In page 92, after line 36, to insert the following:

“Application to Family District Court for relevant treatment order

84. (1) Subject to *subsections (11) and (16)*, an application for a treatment order under this section may be made by the Executive where—

(a) treatment cannot be administered to an involuntarily admitted child aged 16 years or older assessed as lacking capacity under *section 61* or an involuntarily admitted child aged under 16 years because—

(i) his or her parents, or either of them, or guardian, having been given an opportunity to consent to or refuse the treatment concerned, fail to do so or are incapable of doing so, or

(ii) his or her parents, or either of them, or guardian, after the making of reasonable enquiries, cannot be found,

and

(b) the relevant criteria in *subsection (2)* apply.

(2) The relevant criteria for the purpose of *subsection (1)* are that there is no alternative safe and effective treatment available and—

(a) the treatment is immediately necessary for the protection of life of the child or that of another person,

(b) the treatment is necessary for protection from an immediate and serious threat to the health of the child, or that of another person, or

(c) the child has a mental disorder, the nature and degree of which is such that—

(i) he or she requires treatment immediately,

(ii) the treatment required to be given to the child cannot be given to that child other than in a registered acute mental health centre, and

(iii) the treatment of the child concerned would be likely to materially benefit the condition of that child.

(3) The following provisions shall have effect in relation to an application under *subsection (1)*:

(a) the application shall be made—

(i) at the next sitting of the Family District Court held in the Family District Court district in which the child resides or is for the time being,

(ii) in circumstances of urgency where no judge of the Family District Court is available to hear the application, at the next sitting of the District Court held in the same District Court district, or

(iii) in the event that the next sitting of the Family District Court or District Court is not due to be held within 3 working days, at a sitting of the Family District

[SECTION 84]

Court or District Court which has been specially arranged under *paragraph (d)*, held within the said 3 working days;

- (b) where a judge for the Family District Court district or a judge for the District Court district in which the child resides or is for the time being is not immediately available, an order may be made by any judge of the Family District Court or the District Court;
 - (c) the application may, if the judge is satisfied that the urgency of the matter so requires, be made *ex parte*;
 - (d) the application may, if the judge is satisfied that the urgency of the matter so requires, be heard and an order made thereon elsewhere than at a sitting of the Family District Court or a public sitting of the District Court;
 - (e) the Executive shall specify the proposed treatment to be administered to the child concerned.
- (4) Before making an application under *subsection (1)* due to a failure by a child's parents, or either of them, or guardian to consent to or refuse the treatment concerned, the Executive shall—
- (a) provide adequate time, information and, as appropriate, support to assist a child's parents, or either of them, or guardian to make a decision regarding the treatment concerned, and
 - (b) inform the parents, or either of them, or guardian of its intention to make an application and consult with them in advance as appropriate.
- (5) Where an application is made under *subsection (1)*, the Executive shall immediately notify the making of the application to—
- (a) the guardian *ad litem* appointed for the child,
 - (b) where possible and appropriate, the child's parents, or either of them, or guardian,
 - (c) where the child is the subject of a voluntary care arrangement, an interim care order, an emergency care order or a supervision order, the Agency, and
 - (d) any other person specified by the Family District Court or the District Court, as the case may be.
- (6) Subject to *subsection (14)*, where the Family District Court or the District Court, as the case may be, is satisfied, having considered any reports or evidence that may be adduced before it, that the grounds in *paragraph (a)* of *subsection (1)* and the relevant criteria in *subsection (2)* continue to apply, the Court may make an order (in this section referred to as a "relevant treatment order") for the administration of the proposed treatment to the child concerned in a registered acute mental health centre for a period not exceeding 21 days.
- (7) Before making a relevant treatment order, the Family District Court or the District Court, as the case may be, may request and consider such reports or evidence as it considers necessary to be furnished to the Court, within such period as may be

specified by the Court.

- (8) Where an application has been made under *subsection (1)*, treatment may be administered to the child the subject of the application for a period of 72 hours from the initiation of the application or until the hearing of the application by the Family District Court or the District Court, as the case may be, whichever is sooner, where, in the opinion of the responsible consultant psychiatrist, the grounds in *paragraph (a)* of *subsection (1)* and the relevant criteria in *subsection (2)* continue to apply.
- (9) Where treatment is administered under *subsection (8)*, the Executive shall immediately notify the persons specified in *paragraphs (a), (b), (c)* and *(d)* of *subsection (5)*.
- (10) On the hearing of an application under *subsection (1)*, the Family District Court or the District Court, as the case may be, pending its determination of the application, of its own motion or on the application of any person, may give such interim directions as it sees fit as to the care and treatment of the child the subject of the application, but any such direction shall cease to have effect immediately on the determination by the Court of the application before it.
- (11) Where, in the case of an involuntarily admitted child aged 16 years or older assessed as lacking capacity under *section 61* or an involuntarily admitted child aged under 16 years—
 - (a) the responsible consultant psychiatrist, and
 - (b) the child's parents or guardian or the Agency,agree that it would be detrimental to the relationship between the child and his or her parents or guardian or the Agency for that person or persons to consent to or refuse treatment, and, in the opinion of the responsible consultant psychiatrist, the relevant criteria in *subsection (2)* apply, an application for a relevant order may be made under this section with any necessary modifications.
- (12) An application may be made by the Executive to the Family District Court or the District Court, as the case may be, to renew a relevant treatment order for one further period not exceeding 21 days, commencing on the date of the expiry of the initial relevant treatment order, subject to any directions of the Court, where—
 - (a) in the case of a child aged 16 years or older, the child continues to lack capacity to consent to or refuse treatment, and
 - (b) the grounds in *paragraph (a)* of *subsection (1)* and the relevant criteria in *subsection (2)* continue to apply,and *subsections (3), (4), (5), (7), (8), (9)* and *(10)* shall apply to such a renewal application with any necessary modifications.
- (13) The Executive shall withdraw any application under this section not yet determined by the Family District Court or the District Court, as the case may be, where any of the matters in *subsection (14)* occur.
- (14) Treatment may be administered pursuant to a relevant treatment order or any renewed

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relevant treatment order under this section until such time as the order expires or any of the following occurs, whichever is the sooner:

- (a) in the case of a child aged 16 years or older, he or she is assessed under *section 61* as having capacity to consent to or refuse treatment;
 - (b) the child's parents, or either of them, or guardian makes a decision to consent to or refuse treatment on behalf of the child;
 - (c) the child is discharged as an involuntarily admitted child under *section 70*;
 - (d) the responsible consultant psychiatrist discontinues the treatment.
- (15) The Executive shall notify the Agency where a relevant treatment order is made under *subsection (6)* or renewed under *subsection (12)*.
- (16) This section shall not apply to a child the subject of a care order other than where *subsection (11)* applies.”.

SECTION 85

330. In page 93, between lines 8 and 9, to insert the following:

“Prohibition on administration of electro-convulsive therapy for children

- 85.** Electro-convulsive therapy shall not be administered to a child and, accordingly, a reference in this Part to treatment that may be administered to a child, or authorised or directed in respect of a child, shall not include electro-convulsive therapy.”.

SECTION 86

331. In page 93, to delete lines 26 to 28 and substitute the following:

- “(c) the application of such restraint is determined by the consultant psychiatrist, in accordance with regulations made under *section 89*, to be necessary where there is an immediate threat of serious harm to the child or to another person, and”.

SECTION 88

332. In page 94, between lines 4 and 5, to insert the following:

“Pharmacological restraint for children

- 88.** A pharmacological restraint shall not be applied in respect of a child receiving treatment in a registered acute mental health centre unless—
- (a) the restraint is ordered by a consultant psychiatrist only,
 - (b) the restraint is initiated by a relevant health professional,
 - (c) the restraint is applied in respect of the child by a relevant health professional,
 - (d) the application of such restraint is determined by the consultant psychiatrist, in accordance with regulations made under *section 89*, to be necessary where there is an immediate threat of serious harm to the child or to another person, and
 - (e) the pharmacological restraint concerned complies with regulations under *section 89*.”.

[SECTION 88]

333. In page 94, line 6, to delete “should be applied in respect of a child only” and substitute “may only be applied in respect of a child”.
334. In page 94, lines 25 and 26, to delete “which in the opinion of the consultant psychiatrist or relevant health professional expects will” and substitute “which, in the opinion of the consultant psychiatrist or relevant health professional, will”.
335. In page 94, line 27, after “proprietor” to insert “of a registered acute mental health centre”.
336. In page 94, line 35, to delete “record” and substitute “records”.
337. In page 94, line 35, to delete “specified,” and substitute “specified”.

SECTION 89

338. In page 95, line 12, after “Minister,” to insert “and following consultation with the Minister and Minister for Children, Disability and Equality,”.
339. In page 95, line 21, after “*section 10*” to insert “(including that the best interests and the welfare of the child shall be the primary consideration)”.

SECTION 90

340. In page 96, lines 8 to 14, to delete all words from and including “(1) Subject” in line 8 down to and including line 14 and substitute the following:

“(1) Where a restrictive practice is applied in respect of a child admitted under *section 62*, *63*, *64* or *66*, his or her relevant notified carers and nominated person, if any, shall be informed of the application of the restrictive practice as soon as possible after the initiation of the application of the restrictive practice.”.

341. In page 96, to delete lines 15 to 23.
342. In page 96, line 26, to delete “*subsections (1) to (4)*” and substitute “*subsection (1)*”.
343. In page 96, line 31, to delete “Child and Family”.
344. In page 96, line 33, to delete “record” and substitute “records”.

SECTION 91

345. In page 96, between lines 34 and 35, to insert the following:

“Role of parent or guardian regarding application of restrictive practice

91. (1) As soon as practicable after the admission of a child admitted voluntarily under *section 62*, a child aged 16 years or older lacking necessary capacity admitted with parental consent under *section 64* or an involuntarily admitted child, the responsible consultant psychiatrist or another member of the child’s multidisciplinary team shall—
- (a) subject to *subsection (3)*, provide information on the application of restrictive practices in that registered acute mental health centre to—
- (i) the child,
- (ii) his or her nominated person, if any, and

[SECTION 91]

- (iii) the child's relevant consulted carers, if any,
 - (b) take into account the views of any person to whom information is provided under *paragraph (a)* regarding the application of restrictive practices, and
 - (c) record the views of any person to whom information is provided under *paragraph (a)* in the child's medical records and care plan.
- (2) As soon as practicable after the admission of a child voluntarily admitted under *section 63*, the responsible consultant psychiatrist or another member of the child's multidisciplinary team shall—
- (a) subject to *subsection (3)*, provide information on the application of restrictive practices in that registered acute mental health centre to—
 - (i) the child,
 - (ii) his or her nominated person, if any, and
 - (iii) his or her relevant consulted carers, if any,
 - (b) take into account the views of any person to whom information is provided under *paragraph (a)* regarding the application of restrictive practices, and
 - (c) record the views of any person to whom information is provided under *paragraph (a)* in the child's medical records and care plan.
- (3) Where the responsible consultant psychiatrist forms an opinion that it would be in the best interests of the child for any persons specified in *subsection (1)(a)* or *(2)(a)* not to be provided with information on the application of restrictive practices, such information is not required to be provided.
- (4) Where information is provided to a child under *subsection (1)(a)* or *(2)(a)*, such information shall be—
- (a) given in a manner that is accessible to the child, and
 - (b) provided in a manner that can reasonably be understood by the child.”.

[Acceptance of this amendment involves the deletion of section 91 of the Bill.]

SECTION 109

- 346.** In page 107, line 13, after “and” to insert “the”.

SECTION 110

- 347.** In page 107, line 24, to delete “employed,” and substitute “was employed”.

SECTION 111

- 348.** In page 108, line 10, to delete “*section 5*” and substitute “*section 242**”.

[*This is a reference to a section proposed to be inserted by amendment No. 490.]

SECTION 116

- 349.** In page 110, line 12, to delete “and” and substitute “or”.

[SECTION 127]

SECTION 127

- 350.** In page 116, line 25, after “and” to insert “the”.

SECTION 128

- 351.** In page 117, line 17, to delete “or” and substitute “and”.

SECTION 130

- 352.** In page 118, lines 5 to 7, to delete all words from and including “persons,” in line 5 down to and including “Inspectors”)” in line 7 and substitute “persons (who shall be known as Assistant Inspectors of Mental Health Services and are referred to in this Act as “Assistant Inspectors”), including members of staff of the Commission,”.

- 353.** In page 118, lines 13, after “and” to insert “the”.

SECTION 132

- 354.** In page 120, line 19, after “*section 25,*” to insert “42,”.

- 355.** In page 120, line 21, to delete “or” where it firstly occurs and substitute “and”.

- 356.** In page 120, line 29, to delete “or” where it firstly occurs and substitute “and”.

SECTION 133

- 357.** In page 120, line 34, to delete “*subsection (1)(a)*” and substitute “*subsection (1)*”.

SECTION 134

- 358.** In page 121, line 20, to delete “its” and substitute “his or her”.

SECTION 135

- 359.** In page 122, line 10, to delete “Committee of Inquiry” and substitute “committee (in this section referred to as a “Committee of Inquiry”)”.

- 360.** In page 122, line 13, to delete “the inquiry” and substitute “carrying out an inquiry”.

- 361.** In page 122, line 25, to delete “the later of the periods” and substitute “the period”.

SECTION 139

- 362.** In page 124, line 21, to delete “section” and substitute “Act”.

SECTION 140

- 363.** In page 125, line 4, to delete “section” and substitute “Act”.

SECTION 141

- 364.** In page 125, line 20, to delete “section” and substitute “Act”.

SECTION 146

- 365.** In page 127, line 28, to delete “or” and substitute “and”.

SECTION 147

- 366.** In page 128, line 33, to delete “or” and substitute “and”.

SECTION 148

- 367.** In page 129, line 26, to delete “or” and substitute “and”.

[SECTION 150]

SECTION 150

368. In page 132, lines 3 and 4, to delete “in accordance with *section 146, 147 or 148* or following an inspection in accordance with *section 128*,” and substitute “in accordance with *section 146, 147 or 148*, or impose a condition, including an additional condition, where it considers it necessary under *section 152*,”.

369. In page 132, between lines 4 and 5, to insert the following:

“(c) vary or impose a condition, including an additional condition, where it considers it necessary under *section 152*, or”.

370. In page 132, to delete lines 7 to 11 and substitute “it shall notify the registered proprietor in writing of the proposal and the reasons for the proposal not later than 14 days after the date of the proposal, and that he or she may make representations in accordance with this section.”.

SECTION 152

371. In page 133, line 17, to delete “remove,”.

SECTION 153

372. In page 134, lines 8 and 9, to delete “refusal by the Commission to vary or remove a condition on the registration” and substitute “proposal by the Commission not to grant the application concerned”.

SECTION 155

373. In page 134, line 36, to delete “imposed” and substitute “attached, varied or imposed”.

SECTION 156

374. In page 136, line 15, to delete “registered” and substitute “the”.

SECTION 161

375. In page 137, after line 37, to insert the following:

“(d) making an application under Part 5 of the Act of 2015 for the purposes of *Chapter 3 of Part 3*,”.

376. In page 138, line 1, to delete “to maintain or cause” and substitute “maintaining or causing”.

377. In page 138, line 2, to delete “to liaise” and substitute “liaising”.

378. In page 138, line 5, to delete “*section 146, 147 or 148*” and substitute “*section 142, 143 or 144*”.

379. In page 138, line 8, to delete “or” and substitute “and”.

SECTION 163

380. In page 138, lines 23 and 24, to delete “(in this Part known as the “registered person”)”.

381. In page 138, line 25, to delete “this section” and substitute “this section (in this Part known as the “registered person”)”.

SECTION 164

382. In page 138, line 40, to delete “Part” and substitute “Act”.

[SECTION 164]

- 383.** In page 139, line 22, to delete “or” and substitute “and”.

SECTION 166

- 384.** In page 141, to delete line 13 and substitute the following:

“(12) This section applies to *sections 152, 157, 158, 159, 160, 161(3), 164(6), 175, 176, 181, 184, 187, and 188.*”.

SECTION 167

- 385.** In page 141, line 24, to delete “matter”.

SECTION 168

- 386.** In page 142, to delete lines 31 to 36 and substitute the following:

“(4) Where, on hearing an application under *subsection (1)*, the District Court is satisfied that there is a risk to the life, or a serious risk to the health or welfare, of members of the staff or a person accessing the registered mental health service because of any act, omission, failure to act or negligence on the part of the registered mental health service or the registered proprietor, it may make an order in accordance with that subsection—”.

SECTION 171

- 387.** In page 144, line 8, to delete “under” and substitute “in accordance with”.

SECTION 172

- 388.** In page 144, line 35, to delete “centre” and substitute “registered acute mental health centre”.
- 389.** In page 145, line 2, to delete “proprietor,” and substitute “proprietor”.
- 390.** In page 145, line 5, to delete “District Court in the District Court district” and substitute “Family District Court in the Family District Court district”.
- 391.** In page 145, line 9, to delete “detention,” and substitute “detention”.

SECTION 173

- 392.** In page 146, lines 7 to 20, to delete all words from and including “(1) Where—” in line 7 down to and including line 20 and substitute the following:

“(1) Where—

- (a) the registration of a registered acute mental health centre has been cancelled and the service will cease to provide mental health services, and
- (b) the Executive is not taking charge of the centre concerned or the centre concerned will otherwise cease to provide mental health services,

the Executive or the registered proprietor shall or may, as the case may be, carry out the steps specified in *subsection (2)* in respect of any person (including a voluntarily admitted child or a child aged 16 years or older lacking capacity admitted with parental consent) receiving treatment in the centre concerned who is not subject to an involuntary admission order or a renewal order.

(2) Where *subsection (1)* applies, the Executive or the registered proprietor—

- (a) shall, where there is an imminent risk of harm to the person concerned if he or

[SECTION 173]

she does not continue to receive mental health treatment, arrange for his or her transfer to another registered acute mental health centre, or

- (b) may, where there is no risk of harm to the person concerned, arrange for his or her transfer to another registered acute mental health centre.”.

393. In page 146, line 28, to delete “proprietor, may arrange for his or her transfer” and substitute “proprietor may arrange for the transfer of the person concerned”.

394. In page 146, line 32, to delete “*subsection (1)*” and substitute “*subsection (2)**”.

[*This is a reference to a subsection proposed to be inserted by amendment No. 392.]

SECTION 175

395. In page 148, to delete line 18 and substitute “a registered mental health service be required—”.

396. In page 148, between lines 32 and 33, to insert the following:

- “(k) the information to be provided by a registered mental health service on any relevant advocacy services and access to such services, as appropriate;”.

SECTION 176

397. In page 149, line 14, to delete “age appropriate” and substitute “age-appropriate”.

398. In page 149, between lines 15 and 16, to insert the following:

- “(3) A person who contravenes a provision of a regulation made under *subsection (1)* that is stated in the regulations to be a penal provision shall be guilty of an offence and shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 3 months, or to both.”.

SECTION 177

399. In page 149, line 31, after “*section 20*” to insert “or 74*”.

[*This is a reference to a section proposed to be inserted by amendment No. 277.]

SECTION 179

400. In page 151, lines 12 and 13, to delete “A member of a person’s multidisciplinary team shall, following a comprehensive assessment of a person in a registered acute mental health centre” and substitute “A member of the multidisciplinary team of a person, other than a child, admitted to a registered acute mental health centre shall, following a comprehensive assessment of the person”.

401. In page 151, line 29, to delete “insofar” and substitute “in so far”.

SECTION 180

402. In page 152, line 8, to delete “prescribed” and substitute “prescribed,”.

403. In page 152, lines 21 and 22, to delete “a parent or guardian of the child as appropriate, or in the case of a child, the subject of a care order, the Child and Family Agency” and substitute “the child’s relevant consulted carers, if any,”.

404. In page 152, to delete line 24 and substitute the following:

- “(b) ensure that any consultation is accessible to the child and that information shall be provided in a manner that can reasonably be understood by the child, and”.

[SECTION 180]

405. In page 152, to delete lines 25 to 31 and substitute the following:

“(c) provide a copy of that plan to—

- (i) the child concerned,
- (ii) the child’s relevant consulted carers, if any,
- (iii) in relation to a child who is the subject of a voluntary care arrangement, an emergency care order, an interim care order or a supervision order, if not already notified under *subparagraph (ii)*, the Agency, and
- (iv) the child’s nominated person, if any.”.

406. In page 152, lines 35 to 37, to delete “his or her parent or guardian, or, in the case of a child the subject of a care order, the Child and Family Agency and other members of the multidisciplinary team as appropriate” and substitute “his or her relevant consulted carers, if any”.

407. In page 153, lines 3 and 4, to delete “parent or guardian, or, in the case of a child, the subject of a care order, the Child and Family Agency” and substitute “parents or guardian or the Agency”.

SECTION 181

408. In page 153, lines 13 to 15, to delete “adult, child or parent or guardian, or, in the case of a child, the subject of a care order, the Child and Family Agency, where appropriate, the subject of a care plan” and substitute “adult or child the subject of a care plan, and, where appropriate, the parents, or either of them, or guardian of a child the subject of a care plan or the Agency”.

409. In page 153, lines 20 and 21, to delete all words from and including “child” where it firstly occurs in line 20 down to and including “Agency” in line 21 and substitute “child’s parents or guardian or the Agency”.

SECTION 184

410. In page 154, line 18, to delete “for the following” and substitute “for any or all of the following”.

SECTION 185

411. In page 155, line 5, to delete “section” and substitute “Act”.

412. In page 155, line 6, to delete “nominee” and substitute “nominated person”.

413. In page 155, line 8, to delete “nominee” and substitute “nominated person”.

414. In page 155, line 12, to delete “nominee” and substitute “nominated person”.

415. In page 155, line 16, to delete “nominee” and substitute “nominated person”.

416. In page 155, line 18, to delete “nominee” and substitute “nominated person”.

417. In page 155, to delete lines 22 to 28.

SECTION 186

418. In page 155, line 37, to delete “section” and substitute “Act”.

[SECTION 186]

419. In page 155, line 38, to delete “nominee” and substitute “nominated person”.
420. In page 155, line 39, to delete “90 and 91” and substitute “90, 91 and 180 and to make requests in accordance with *section 80**”.

[*This is a reference to a section proposed to be inserted by amendment No. 291.]

421. In page 156, line 1, to delete “nominee” and substitute “nominated person”.
422. In page 156, line 5, to delete “nominee” and substitute “nominated person”.
423. In page 156, line 9, to delete “nominee” and substitute “nominated person”.
424. In page 156, line 12, to delete “nominee” and substitute “nominated person”.
425. In page 156, line 18, to delete “nominee” and substitute “nominated person”.

SECTION 187

426. In page 156, line 22, to delete “Subject to *section 188*, a registered proprietor” and substitute “A registered proprietor of a registered community mental health centre or a registered community mental health service”.
427. In page 156, line 23, to delete “who is in a registered mental health service” and substitute “who is in or being treated by the registered community mental health centre or the registered community mental health service concerned”.
428. In page 156, lines 28 and 29, to delete “a registered mental health service” and substitute “the registered community mental health centre or the registered community mental health service concerned”.
429. In page 156, line 30, to delete “on a person” and substitute “of a person”.
430. In page 156, line 31, to delete “the registered mental health service” and substitute “the registered community mental health centre or the registered community mental health service concerned”.
431. In page 156, line 38, to delete “registered mental health service” and substitute “registered community mental health centre or a registered community mental health service”.

SECTION 188

432. In page 157, line 2, after “proprietor” to insert “of a registered acute mental health centre”.
433. In page 157, line 10, to delete “*section 62(2), 64(2), 66 or 70*” and substitute “*section 62(2), 64(2), 66, 67 or 70*”.
434. In page 157, line 15, before “any” to insert “where the person is an adult,”.

SECTION 189

435. In page 157, line 34, after “*Part 6*” to insert “(other than an offence under *section 175 or 176*)”.

SECTION 192

436. In page 158, line 20, to delete “*sections*” and substitute “*section*”.

SECTION 194

437. In page 159, lines 12 and 13, to delete “(“legal advice”)”.

[SECTION 196]

SECTION 196

438. In page 160, to delete lines 32 to 34.

SECTION 199

439. In page 162, between lines 21 and 22, to insert the following:

“(2) An assigned legal representative shall comply with a request of the Commission under *subsection (1)*.”.

SECTION 200

440. In page 163, between lines 27 and 28, to insert the following:

“PART 8

AMENDMENT OF CRIMINAL LAW (INSANITY) ACT 2006

Definition

201. In this Part, “Act of 2006” means the Criminal Law (Insanity) Act 2006.”.

441. In page 163, between lines 27 and 28, to insert the following:

“Amendment of section 1 of Act of 2006

202. Section 1 of the Act of 2006 is amended—

- (a) by the deletion of the definitions of “the Act of 2001”, “approved medical officer” and “patient”,
- (b) by the substitution of the following definition for the definition of “clinical director”:

‘clinical director’ has the meaning assigned to it by the *Act of 2026*, and, where a consultant psychiatrist is duly authorised by a clinical director to perform his or her functions under this Act, the consultant psychiatrist shall, in relation to those functions, be deemed for the purposes of this Act, to be a clinical director,”,

and

- (c) by the insertion of the following definitions:

“ ‘*Act of 2026*’ means the *Mental Health Act 2026*;

‘consultant psychiatrist’ has the same meaning as it has in the *Act of 2026*;

‘criteria for involuntary admission’ shall be construed in accordance with the *Act of 2026*;

‘detained person’ means a person detained in a designated centre pursuant to this Act;”.”.

[SECTION 200]

442. In page 163, between lines 27 and 28, to insert the following:

“Amendment of section 3 of Act of 2006

203. Section 3 of the Act of 2006 is amended—

- (a) in subsection (2), by the deletion of “established under section 32 of the Act of 2001”,
- (b) in subsection (3), by the substitution of “*Chapter 3 of Part 3 of the Act of 2026*” for “Part 4 of the Act of 2001”, and
- (c) by the substitution of the following subsection for subsection (4):
 - “(4) In this section, ‘psychiatric centre’ means a registered acute mental health centre (within the meaning of the *Act of 2026*) in which treatment is provided to persons for a mental disorder (within the meaning of that Act) that fulfils the criteria for involuntary admission.”.

443. In page 163, between lines 27 and 28, to insert the following:

“Amendment of section 4 of Act of 2006

204. Section 4 of the Act of 2006 is amended—

- (a) in subsection (3)—
 - (i) in paragraph (aa), by the substitution of “a consultant psychiatrist” for “an approved medical officer”, and
 - (ii) by the substitution of the following paragraph for paragraph (b):
 - “(b) Subject to subsections (7) and (8), where in a case to which paragraph (a) relates, the Court determines that an accused person is unfit to be tried, the Court shall adjourn the proceedings until further order, and may—
 - (i) if it is satisfied, having considered the evidence of a consultant psychiatrist adduced pursuant to subsection (6)(b) and any other evidence that may be adduced before it that the accused person has a mental disorder (within the meaning of the *Act of 2026*) that fulfils the criteria for involuntary admission and is in need of in-patient care or treatment in a designated centre, commit him or her to a specified designated centre until an order is made under section 13 or 13A, or
 - (ii) if it is satisfied, having considered the evidence of a consultant psychiatrist adduced pursuant to subsection (6)(b) and any other evidence that may be adduced before it that the accused person has a mental disorder or has a mental disorder (within the meaning of the *Act of 2026*) that fulfils the criteria for involuntary admission and is in need of out-patient care or

treatment in a designated centre, make such order as it thinks proper in relation to the accused person for out-patient treatment in a designated centre.”,

(b) in subsection (5)—

(i) in paragraph (bb), by the substitution of “a consultant psychiatrist” for “an approved medical officer”, and

(ii) by the substitution of the following paragraph for paragraph (c):

“(c) Subject to subsections (7) and (8), if the judge determines that the accused person is unfit to be tried, he or she shall adjourn the proceedings until further order, and may—

(i) if it is satisfied, having considered the evidence of a consultant psychiatrist adduced pursuant to subsection (6)(b) and any other evidence that may be adduced before it, that the accused person has a mental disorder (within the meaning of the *Act of 2026*) that fulfils the criteria for involuntary admission and is in need of in-patient care or treatment in a designated centre, commit him or her to a specified designated centre until an order is made under section 13 or 13A, or

(ii) if it is satisfied, having considered the evidence of a consultant psychiatrist adduced pursuant to subsection (6)(b) and any other evidence that may be adduced before it, that the accused person has a mental disorder or has a mental disorder (within the meaning of the *Act of 2026*) that fulfils the criteria for involuntary admission and is in need of out-patient care or treatment in a designated centre, make such order as it thinks proper in relation to the accused person for out-patient treatment in a designated centre.”,

and

(c) in subsection (6)—

(i) in paragraph (a), by the substitution of “a consultant psychiatrist” for “an approved medical officer” in both places that it occurs, and

(ii) by the substitution of the following paragraph for paragraph (b):

“(b) Within the period authorised by the court under this subsection, the consultant psychiatrist who examined the accused person pursuant to subparagraph (ii) of paragraph (a) shall report to the court on whether or not in his or her opinion the accused person—

(i) has a mental disorder (within the meaning of the *Act of 2026*) that fulfils the criteria for involuntary admission and is in need of in-patient care or treatment in a designated centre, or

(ii) has a mental disorder or has a mental disorder (within the meaning of the *Act*

of 2026) that fulfils the criteria for involuntary admission and is in need of out-patient care or treatment in a designated centre.”.”.

444. In page 163, between lines 27 and 28, to insert the following:

“Amendment of section 5 of Act of 2006

205. Section 5 of the Act of 2006 is amended—

- (a) in subsection (1)(a), by the substitution of “had, at the time, a mental disorder” for “was suffering at the time from a mental disorder”,
- (b) in subsection (2), by the substitution of “has a mental disorder (within the meaning of the *Act of 2026*) that fulfils the criteria for involuntary admission” for “is suffering from a mental disorder (within the meaning of the Act of 2001)”,
- (c) in subsection (3)—

- (i) by the substitution of the following paragraph for paragraph (a):

- “(a) For the purposes of subsection (2), if the court considers that an accused person found not guilty by reason of insanity pursuant to subsection (1) has a mental disorder (within the meaning of the *Act of 2026*) that fulfils the criteria for involuntary admission and may be in need of in-patient care or treatment in a designated centre, the court may commit that person to a specified designated centre for a period of not more than 14 days and direct that during such period he or she be examined by a consultant psychiatrist at that centre.”,

- (ii) in paragraph (b), by the substitution of “a consultant psychiatrist” for “an approved medical officer”, and

- (iii) by the substitution of the following paragraph for paragraph (c):

- “(c) Within the period of committal authorised by the court under this subsection the consultant psychiatrist concerned shall report to the court on whether in his or her opinion the accused person committed under paragraph (a) has a mental disorder (within the meaning of the *Act of 2026*) that fulfils the criteria for involuntary admission and is in need of in-patient care or treatment in a designated centre.”,

and

- (d) in subsection (4), by the substitution of “had a mental disorder” for “was suffering from a mental disorder” in both places that it occurs.”.

445. In page 163, between lines 27 and 28, to insert the following:

“Amendment of section 6 of Act of 2006

206. Section 6 of the Act of 2006 is amended, in subsection (1), by the substitution of the following paragraph for paragraph (b):

[SECTION 200]

“(b) had, at the time, a mental disorder, and”.”.

446. In page 163, between lines 27 and 28, to insert the following:

“Amendment of section 8 of Act of 2006

207. Section 8 of the Act of 2006 is amended—

- (a) in subsection (1), by the substitution of the following paragraph for paragraph (b):

“(b) that he or she did not, at the time when the act was committed, have a mental disorder of the nature referred to in section 5(1)(b);”,

- (b) in subsection (3), by the substitution of “that he or she did not have a mental disorder” for “that he or she was not suffering from a mental disorder”,
- (c) in subsection (5), by the substitution of “he or she had at the time that the offence alleged was committed, a mental disorder” for “he or she was at the time that the offence alleged was committed suffering from any mental disorder”,
- (d) in subsection (6)(b), by the substitution of “did not, at the time when the act was committed, have a mental disorder” for “was not, at the time when the act was committed, suffering from any mental disorder”,
- (e) in subsection (8), by the substitution of “he or she did not have a mental disorder” for “he or she was not suffering from any mental disorder”, and
- (f) in subsection (10), by the substitution of “is satisfied that the appellant at the time that the offence alleged was committed had a mental disorder” for “is satisfied that the appellant was at the time that the offence alleged was committed suffering from a mental disorder.”.

447. In page 163, between lines 27 and 28, to insert the following:

“Amendment of section 12 of Act of 2006

208. Section 12 of the Act of 2006 is amended—

- (a) by the substitution of “detained person” for “patient” in each place that it occurs, and
- (b) in subsection (6)(a), by the substitution of “detained persons” for “patients”.”.

448. In page 163, between lines 27 and 28, to insert the following:

“Amendment of section 13 of Act of 2006

209. Section 13 of the Act of 2006 is amended by the substitution of “detained person” for “patient” in each place that it occurs.”.

[SECTION 200]

449. In page 163, between lines 27 and 28, to insert the following:

“Amendment of section 13A of Act of 2006

210. Section 13A of the Act of 2006 is amended by the substitution of “detained person” for “patient” in each place that it occurs.”.

450. In page 163, between lines 27 and 28, to insert the following:

“Amendment of section 13B of Act of 2006

211. Section 13B of the Act of 2006 is amended, in subsection (10)—

(a) by the substitution of the following paragraph for paragraph (b):

“(b) the Board shall order that the detained person be brought before it as soon as may be for the purposes of reviewing his or her detention, and”,

and

(b) in paragraph (c), by the substitution of “detained person” for “patient”.”.

451. In page 163, between lines 27 and 28, to insert the following:

“Amendment of section 13C of Act of 2006

212. Section 13C of the Act of 2006 is amended by the substitution of the following subsection for subsection (3):

“(3) In this section, ‘registered proprietor’ has the same meaning as it has in the *Act of 2026*.”.

452. In page 163, between lines 27 and 28, to insert the following:

“Amendment of section 14 of Act of 2006

213. Section 14 of the Act of 2006 is amended—

(a) in subsection (1), by the substitution of “detained person” for “patient”,

(b) in subsection (2), by the substitution of “detained person” for “patient”,

(c) in subsection (3), by the substitution of “person” for “patient” in each place that it occurs,

(d) in subsection (4), by the substitution of “person” for “patient”,

(e) in subsection (5), by the substitution of “person” for “patient”,

(f) in subsection (6), by the substitution of “person” for “patient”,

(g) in subsection (8), by the substitution of “detained person” for “patient” in each place that it occurs.”.

[SECTION 200]

453. In page 163, between lines 27 and 28, to insert the following:

“Amendment of section 15 of Act of 2006

214. Section 15 of the Act of 2006 is amended—

- (a) by the substitution of “has a mental disorder” for “is suffering from a mental disorder” in each place that it occurs, and
- (b) in subsection (9)(a), by the substitution of “a consultant psychiatrist” for “an approved medical officer”.”.

454. In page 163, between lines 27 and 28, to insert the following:

“Amendment of section 16 of Act of 2006

215. Section 16 of the Act of 2006 is amended, in subsection (2), by the substitution of “*Act of 2026*” for “Act of 2001”.”.

455. In page 163, between lines 27 and 28, to insert the following:

“Amendment of section 17 of Act of 2006

216. Section 17 of the Act of 2006 is amended, in subsection (3)(a), by the substitution of “has a mental disorder” for “is suffering from or continues to suffer from a mental disorder”.”.

456. In page 163, between lines 27 and 28, to insert the following:

“Amendment of Schedule 1 to Act of 2006

217. Schedule 1 to the Act of 2006 is amended, in paragraph 1, by the substitution of “consultant psychiatrist” for “approved medical officer”.”.

SECTION 202

457. In page 163, after line 34, to insert the following:

“Amendment of section 36 of Act of 2015

202. Section 36 of the Act of 2015 is amended, in subsection (4)—

- (a) in paragraph (j)(ii), by the substitution of “person,” for “person, and”, and
- (b) by the insertion of the following paragraph after paragraph (j):
 - “(ja) a registered proprietor (within the meaning of the *Act of 2026*) for the purposes of *Chapter 3 of Part 3* of that Act, and”.”.

[SECTION 202]

458. In page 164, lines 4 and 5, to delete “Subject to subsections (1) to (5) and paragraphs (b) and (c) of this subsection” and substitute “Subject to paragraphs (b) and (c) and subsections (1) to (5)”.
459. In page 164, lines 14 and 15, to delete “subsections (1) to (5), paragraph (c) of this subsection” and substitute “paragraph (c) and subsections (1) to (5)”.
460. In page 164, line 17, to delete “of this subsection”.

SECTION 205

461. In page 165, lines 7 and 8, to delete “that person (within the meaning of *section 16* of the *Act of 2025*).” and substitute “the person (within the meaning of the *Act of 2026*)”.
462. In page 165, line 10, to delete “person.” and substitute “person.”.

SECTION 206

463. In page 165, to delete lines 13 and 14.
464. In page 165, line 15, to delete “**136.**” and substitute “ “**136.**”.

SECTION 208

465. In page 166, between lines 7 and 8, to insert the following:

“Amendment to Courts (Supplemental Provisions) Act 1961

208. Section 8C of the Courts (Supplemental Provisions) Act 1961 is amended, in subsection (2)—

- (a) in paragraph (k), by the deletion of “or”,
- (b) in paragraph (l), by the substitution of “2018, or” for “2018.”, and
- (c) by the insertion of the following paragraph after paragraph (l):

“(m) *Part 4* of the *Mental Health Act 2026*.”.

SECTION 209

466. In page 166, between lines 26 and 27, to insert the following:

- “(a) in section 12(3), after “in accordance with subsection (1),” by the insertion of “or where a request is made under *section 73(15)** of the *Mental Health Act 2026*,”.

[*This is a reference to a section proposed to be inserted by amendment No. 276.]

SECTION 215

467. In page 168, after line 34, to insert the following:

- “(2) The amendments to the Health Act 2004 effected by *subsection (1)* shall not apply in relation to a protected disclosure under section 55D of that Act or a disclosure to the Inspector of Mental Health Services under section 55G of that Act regarding actions or omissions that occurred before the commencement of this section.”.

[SECTION 216]

SECTION 216

- 468.** In page 169, lines 4 to 6, to delete all words from and including “by” in line 4 down to and including line 6 and substitute “by the substitution of “the *Mental Health Act 2026*” for “the Mental Health Acts 1945 to 2001”,”.
- 469.** In page 169, lines 8 and 9, to delete all words from and including “by” in line 8 down to and including line 9 and substitute “by the substitution of “the *Mental Health Act 2026*” for “the Mental Health Acts 1945 to 2001”,”.
- 470.** In page 169, between lines 14 and 15, to insert the following:
- “(2) (a) The amendments to section 86 of the Social Welfare Consolidation Act 2005 effected by *subsection (1)(a)* shall not apply to medical care provided under the Mental Health Acts 1945 to 2001 before the date on which *subsection (1)(a)* comes into operation.
- (b) The amendment to section 249(1A) of the Social Welfare Consolidation Act 2005 effected by *subsection (1)(b)* shall not apply to an admission order or renewal order made under the Act of 2001 that continues in force after the date on which *subsection (1)(b)* comes into operation.”.

NEW SECTION

- 471.** In page 170, after line 21, to insert the following:

“Amendment of Family Courts Act 2024

223. The Family Courts Act 2024 is amended—

- (a) in section 2, in the definition of “family law proceedings”, by the insertion of the following paragraph after paragraph (z):

“(za) *Part 4 of the Mental Health Act 2026;*”,

- (b) in section 24(2)—

(i) in paragraph (j), by the deletion of “or”,

(ii) in paragraph (k), by the substitution of “2018, or” for “2018.”, and

(iii) by the insertion of the following paragraph after paragraph (k):

“(l) *Part 4 of the Mental Health Act 2026.*”,

and

- (c) in section 39(2)—

(i) in paragraph (d), by the deletion of “or”,

(ii) in paragraph (e), by the substitution of “2018, or” for “2018.”, and

(iii) by the insertion of the following paragraph after paragraph (e):

“(f) *Part 4 of the Mental Health Act 2026.*”.”.

[NEW SECTION]

472. In page 187, after line 14, to insert the following:

“PART 10

TRANSITIONAL PROVISIONS

CHAPTER 1

Transitional provisions: Act of 2001

Interpretation

224. (1) In this Chapter—

“clinical director” includes, where the context so requires, a clinical director so deemed under *section 237**;

“registered acute mental health centre” includes, where the context so requires, a registered acute mental health centre so deemed under *section 237**;

“relevant order”, other than in *sections 231***, *232**** and *233*****, means—

- (a) an admission order made under section 14 or 24 of the Act of 2001, or
- (b) a renewal order made under section 15 of the Act of 2001;

“tribunal” has the same meaning as it has in the Act of 2001.

(2) For the purposes of this Chapter and to the extent only that this Chapter applies, references to a person include references to a patient within the meaning of the Act of 2001.”.

[*This is a reference to a section proposed to be inserted by amendment No. 485.]

[**This is a reference to a section proposed to be inserted by amendment No. 479.]

[***This is a reference to a section proposed to be inserted by amendment No. 480.]

[****This is a reference to a section proposed to be inserted by amendment No. 481.]

473. In page 187, after line 14, to insert the following:

“Transitional provisions: admission and renewal orders for adults

225. (1) Subject to *sections 226(4)** and *228(6)***, a relevant order in respect of a person that is in force immediately before the relevant date shall, subject to the modifications specified in *subsection (2)*, continue in force on and after the relevant date, and accordingly the Act of 2001, as it stood immediately before the date on which this section comes into operation (in this section referred to as the “relevant date”), shall continue to have effect in respect of the person concerned until the earlier of—

- (a) the date an involuntary admission order is made under *Part 3* in respect of the person the subject of the relevant order,

[NEW SECTION]

- (b) the date the person the subject of the relevant order is discharged following its revocation under section 18, 19 or 28 of the Act of 2001, or
 - (c) the date of the expiration of the relevant order.
- (2) The modifications referred to in *subsection (1)* are—
- (a) *subsections (3), (4), (6), (7) and (8) of section 9* shall apply in respect of the making of any decision relating to a person the subject of a relevant order that continues in force under *subsection (1)* as if that person were an applicable person (within the meaning of that section), and
 - (b) *Chapter 4 of Part 3 and section 185* shall, notwithstanding *subsection (1)*, apply in respect of a person the subject of a relevant order as if that person were an involuntarily admitted person.”.

[*This is a reference to a section proposed to be inserted by amendment No. 474.]

[**This is a reference to a section proposed to be inserted by amendment No. 476.]

474. In page 187, after line 14, to insert the following:

“Transitional provisions: involuntarily admitted adults

- 226.** (1) Subject to *subsections (4) and (6)*, where, immediately before the date on which this section comes into operation (in this section referred to as the “relevant date”) or following a transfer referred to in *section 235**, a person is being detained in a registered acute mental health centre pursuant to a relevant order, the clinical director of the registered acute mental health centre concerned shall, on or after the relevant date, arrange for the person concerned to be examined by a consultant psychiatrist under *section 22(1)* as if the person concerned were the subject of a recommendation for involuntary admission.
- (2) Following an examination of a person referred to in *subsection (1)*, the consultant psychiatrist—
- (a) shall, if satisfied that the person concerned has a mental disorder which fulfils the criteria for involuntary admission, make an involuntary admission order for the reception, detention and care and treatment of the person under *section 22(2)(a)*, or
 - (b) if not satisfied that the person concerned has a mental disorder which fulfils the criteria for involuntary admission, shall—
 - (i) refuse to make an involuntary admission order, and
 - (ii) arrange, subject to the modifications specified in *subsection (3)*, for the person to be discharged in accordance with section 28 of the Act of 2001.
- (3) In relation to each subsection of section 28 of the Act of 2001, the modifications referred to in *subsection (2)(b)(ii)* are—
- (a) in subsection (1), the consultant psychiatrist concerned shall, where not satisfied that the person concerned has a mental disorder which fulfils the criteria for

[NEW SECTION]

involuntary admission, revoke the relevant order and discharge the person,

- (b) for the purpose of subsection (3)(b), the consultant psychiatrist shall notify the person concerned that he or she is entitled to have his or her detention reviewed by a tribunal in accordance with *section 229***, and
 - (c) subsection (5) shall not apply to a person concerned, and any subsequent review or otherwise of his or her detention shall be in accordance with *section 229***.
- (4) A decision under *subsection (2)* to make or refuse to make an involuntary admission order shall be made as soon as may be after the relevant date, but not later than—
- (a) the date of the expiration of the relevant order for the person concerned, or
 - (b) the date that falls 28 days after the relevant date,
- whichever occurs sooner.
- (5) Where an involuntary admission order referred to in *subsection (2)(a)* is made in respect of a person referred to in *subsection (1)*, the relevant order pursuant to which that person was previously detained shall immediately cease to have effect and be deemed to be revoked.
- (6) A reference, in *subsection (1)*, to a person detained in a registered acute mental health centre pursuant to a relevant order immediately before the relevant date—
- (a) includes a person on a permitted leave of absence under section 26 of the Act of 2001,
 - (b) subject to *section 236****, includes a person absent from that centre without permission under section 27 of the Act of 2001, and
 - (c) does not include a person transferred to and detained in the Central Mental Hospital under section 21 of the Act of 2001.”.

[*This is a reference to a section proposed to be inserted by amendment No. 483.]

[**This is a reference to a section proposed to be inserted by amendment No. 477.]

[***This is a reference to a section proposed to be inserted by amendment No. 484.]

475. In page 187, after line 14, to insert the following:

“Transitional provisions: involuntary admission processes in being

227. (1) Where, before the date on which this section comes into operation (in this section referred to as the “relevant date”), a person is the subject of an application under section 9(1) or 12(2) of the Act of 2001 but the medical practitioner to whom the application is addressed has not decided whether to make a recommendation in respect of the person concerned under section 10 of that Act by immediately before the relevant date, the registered medical practitioner concerned shall, on or after the relevant date, treat the application as if it were a direct application for a recommendation for involuntary admission under *section 15* and any subsequent involuntary admission (or otherwise) of the person concerned shall be determined in accordance with *Part 3*.

[NEW SECTION]

- (2) Where, before the relevant date, a person is the subject of a recommendation under section 10 of the Act of 2001 but an involuntary admission order has not yet been made or refused in respect of the person concerned under section 14(1)(a) or (b) of that Act by immediately before the relevant date, the clinical director to whom the recommendation is addressed shall, on or after the relevant date, treat the recommendation as if it were a recommendation for involuntary admission under *section 16* and any subsequent involuntary admission (or otherwise) of the person concerned shall be determined in accordance with *Part 3*.
- (3) Where, before the relevant date, a person has been detained under section 23 of the Act of 2001 but a determination has not been made by immediately before the relevant date on whether the person concerned is to be—
 - (a) the subject of an admission order under section 24(3) of that Act, or
 - (b) discharged under subsection (1) or (2)(b) of section 24 of that Act,the detention of that person shall, on or after the relevant date, be determined in accordance with *section 38* subject to the modification that the steps in *section 38* are required to be completed within 24 hours of the time the person is detained under section 23 of the Act of 2001, and any necessary additional modifications.”.

476. In page 187, after line 14, to insert the following:

“Transitional provisions: admission to Central Mental Hospital

228. (1) Where, immediately before the date on which this section comes into operation (in this section referred to as the “relevant date”) or following a transfer referred to in *subsection (8) or (9)*, a person is detained in the Central Mental Hospital under section 21 of the Act of 2001 pursuant to a relevant order, the clinical director of the Central Mental Hospital shall arrange for the person concerned to be examined by his or her responsible consultant under *section 22(1)* on or after the relevant date, as the case may be, as if the person concerned were the subject of a recommendation for involuntary admission.
- (2) Following an examination of a person referred to in *subsection (1)*, the responsible consultant psychiatrist—
 - (a) shall, if satisfied that the person concerned has a mental disorder which fulfils the criteria for involuntary admission, make an involuntary admission order for the reception, detention and care and treatment of the person under *section 22(2)(a)*, or
 - (b) shall, if not satisfied that the person concerned has a mental disorder which fulfils the criteria for involuntary admission—
 - (i) refuse to make such an involuntary admission order, and
 - (ii) arrange, subject to the modifications specified in *subsection (3)*, for the person to be discharged in accordance with section 28 of the Act of 2001.
 - (3) In relation to each subsection of section 28 of the Act of 2001, the modifications referred to in *subsection (2)(b)(ii)* are—

[NEW SECTION]

- (a) in subsection (1), the consultant psychiatrist concerned shall, where not satisfied that the person concerned has a mental disorder which fulfils the criteria for involuntary admission, revoke the relevant order and discharge the person,
 - (b) for the purpose of subsection (3)(b), the consultant psychiatrist shall notify the person concerned that he or she is entitled to have his or her detention reviewed by a tribunal in accordance with *section 229**, and
 - (c) subsection (5) of that section shall not apply to the person concerned, and any subsequent review or otherwise of his or her detention shall be in accordance with *section 229**.
- (4) Where an involuntary admission order referred to in *subsection (2)(a)* is made in respect of a person referred to in *subsection (1)*, the clinical director of the Central Mental Hospital shall, at the same time, consider whether—
 - (a) it would be for the benefit of the person to remain in the Central Mental Hospital, or
 - (b) it is necessary, for the purpose of obtaining special treatment, the details of which shall be specified in writing, for the person to remain in the Central Mental Hospital.
- (5) Where the clinical director of the Central Mental Hospital is of the opinion that *paragraph (a) or (b) of subsection (4)* applies, the involuntary admission order made under *section 22(2)(a)* in respect of a person referred to in *subsection (1)*—
 - (a) shall be for the reception, detention and care and treatment of the person in the registered acute mental health centre from which the person was transferred under section 21 of the Act of 2001, and
 - (b) shall be deemed to authorise the reception, detention and care and treatment of the person in the Central Mental Hospital.
- (6) A decision under *subsection (2)* shall be made and, as applicable, any considerations under *subsection (4)* shall be concluded as soon as may be after the relevant date, but not later than the date the relevant order for the person concerned expires or the date that falls 28 days after the relevant date, whichever occurs sooner.
- (7) Where an involuntary admission order is made in respect of a person referred to in *subsection (1)*, the relevant order pursuant to which that person was previously detained shall immediately cease to have effect and be deemed to be revoked.
- (8) The clinical director of the Central Mental Hospital shall notify the clinical director of the registered acute mental health centre from which a person was transferred under section 21 of the Act of 2001 of—
 - (a) the results of an examination referred to in *subsection (1)*,
 - (b) the decision referred to in *subsection (2)* to make an involuntary admission order or to discharge the person concerned, and
 - (c) the outcome of considerations referred to in *subsection (4)*.

[NEW SECTION]

- (9) Where, before the relevant date, a clinical director of a registered acute mental health centre has proposed to transfer a person to the Central Mental Hospital under paragraph (a) of section 21(2) of the Act of 2001 but the Commission has not referred the proposal to a tribunal under subsection (2)(b) of that section by immediately before the relevant date, the Commission shall, on and after the relevant date, treat the proposal as if it were made under *section 36(1)* for the purpose of *subsection (4)* of that section, and any subsequent transfer (or otherwise) of the person concerned shall be determined in accordance with *Part 3*.
- (10) Where, before the relevant date, the Commission has referred a proposal to transfer a person to the Central Mental Hospital to a tribunal under paragraph (a) of section 21(2) of the Act of 2001 but a tribunal has not by immediately before the relevant date reviewed the proposed transfer and determined whether to—
- (a) authorise the proposed transfer under section 21(2)(b)(i) of the Act of 2001, or
 - (b) refuse to authorise the proposed transfer section 21(2)(b)(ii) of that Act,
- the referral to the tribunal shall lapse and the Commission shall, on and after the relevant date, treat the proposal to transfer the person concerned under paragraph (a) of section 21(2) of the Act of 2001 as if it were made under *section 36(1)* for the purpose of *subsection (4)* of that section, and any subsequent transfer (or otherwise) of the person concerned shall be determined in accordance with *Part 3*.
- (11) *Subsections (13), (14) and (15) of section 36 shall apply to an admission to the Central Mental Hospital under this section with the modification that a reference to a registered acute mental health centre from which a person has been or was transferred shall be construed as a reference to the registered acute mental health centre from which the person admitted under this section was previously transferred under section 21 of the Act of 2001 and any other necessary modifications.”.*

[*This is a reference to a section proposed to be inserted by amendment No. 477.]

477. In page 187, after line 14, to insert the following:

“Transitional provisions: referral to and review by tribunal

229. (1) Where, before the date on which this section comes into operation (in this section referred to as the “relevant date”), a relevant order has been made but the Commission has not received the relevant order under section 17 of the Act of 2001 by immediately before the relevant date, the Commission shall, on or after the relevant date, carry out the matters specified in subsection (1) of that section upon receipt of the relevant order.
- (2) Where, before the relevant date, the Commission has received—
- (a) a copy of a relevant order under section 17 of the Act of 2001,
 - (b) an application referred to in section 15(3)(b) of the Act of 2001, or
 - (c) a notice referred to in section 28(5) of the Act of 2001,
- but has not carried out the matters specified in section 17(1) of the Act of 2001 by

[NEW SECTION]

immediately before the relevant date, the Commission shall, on or after the relevant date, carry out the matters specified in that subsection.

(3) Where, immediately before the relevant date—

- (a) a person has been discharged under section 28 of the Act of 2001,
- (b) he or she has not made a request to the Commission for a review of his or her detention in accordance with section 28(5) of the Act of 2001, and
- (c) the period allowed under section 28(5) of the Act of 2001 for making a request referred to in *paragraph (b)* has not yet expired,

the person may, on or after the relevant date but before the expiration of the period referred to in *paragraph (c)*, make a request to the Commission in accordance with section 28(5) of the Act of 2001 for a review of his or her detention and, where he or she does so, the Commission shall, on or after the relevant date, carry out the matters specified in section 17(1) of that Act.

(4) Where the Commission carries out the matters specified in section 17(1) of the Act of 2001 pursuant to *subsection (1), (2) or (3)*, a tribunal shall proceed in accordance with sections 17 and 18 of the Act of 2001 and, where the relevant order is affirmed, that decision may be appealed to the Circuit Court in accordance with section 19 of that Act.

(5) Where, before the relevant date, the Commission has referred—

- (a) the making of a relevant order,
- (b) an application referred to in section 15(3)(b) of the Act of 2001, or
- (c) a notice referred to in section 28(5) of the Act of 2001,

to a tribunal under section 17(1) of the Act of 2001 but such tribunal has not by immediately before the relevant date reviewed the detention of the person concerned under section 18 of that Act, the tribunal shall, on or after the relevant date, carry out the review of the relevant order concerned in accordance with section 18 of that Act and, where the relevant order is affirmed, that decision may be appealed to the Circuit Court in accordance with section 19 of that Act.

(6) Where, before the relevant date, an appeal has been made under section 19 of the Act of 2001 against a decision to affirm a relevant order under section 18 of that Act but the Circuit Court has not, by immediately before the relevant date, determined the appeal, the appeal shall, on or after the relevant date, be determined in accordance with that Act.

(7) Where, immediately before the relevant date—

- (a) a decision to affirm a relevant order under section 18 of the Act of 2001 has been made,
- (b) the person the subject of the relevant order has not appealed the decision under section 19 of that Act, and
- (c) the period of time allowed under section 19(2) of the Act of 2001 for bringing an

[NEW SECTION]

appeal referred to in *paragraph (b)* has not expired,

the person the subject of the relevant order concerned may, on or after the relevant date but before the expiration of the period of time referred to in *paragraph (c)*, appeal the decision to the Circuit Court under section 19 of that Act and, where he or she does so, the appeal shall be determined by the Circuit Court in accordance with that Act.

- (8) Where a relevant order is deemed to be revoked under *section 226(5)** or *228(7)*** or revoked by a consultant psychiatrist due to a discharge under *section 226(3)(a)** or *228(3)(a)*** before a tribunal referred to in *subsections (4) or (5)* completes its review in respect of the relevant order under section 18 of the Act of 2001, the review by the tribunal shall not be completed unless the person or his or her legal representative notifies the Commission, as soon as practicable but not later than the time and date scheduled for the review, that the person concerned wishes the review to be completed in accordance with the Act of 2001.
- (9) Where a person requests that a review referred to in *subsection (8)* be completed, the tribunal shall, notwithstanding that the person concerned is no longer being detained pursuant to the relevant order the subject of the review, on or after the relevant date, determine the review in accordance with the Act of 2001 with any necessary modifications.
- (10) A person who is a member of a panel of consultant psychiatrists referred to in section 33(3)(b) of the Act of 2001 immediately before the relevant date shall, on and after the relevant date, continue as a member of that panel and be subject to the Act of 2001 as it stood immediately before the relevant date until the date of the determination of the final matter referred to a tribunal, including an appeal involving a decision of the tribunal concerned under section 19 of the Act of 2001, under *subsection (4), (5), (6), (7) or (9)*.
- (11) The functions standing vested in a member of a panel of consultant psychiatrists referred to in section 33(3)(b) of the Act of 2001 immediately before the relevant date shall, in relation to a matter referred to in *subsection (10)*, continue to be performable on and after the relevant date by such a person.”.

[*This is a reference to a section proposed to be inserted by amendment No. 474.]

[**This is a reference to a section proposed to be inserted by amendment No. 476.]

478. In page 187, after line 14, to insert the following:

“Transitional provision: membership of tribunals

230. (1) Subject to *subsection (4)*—

- (a) a person who is, immediately before the date on which this section comes into operation (in this section referred to as the “relevant date”), a member of a tribunal referred to in section 48(3)(a) of the Act of 2001 shall, on the panel establishment date, stand appointed as a member of the consultant psychiatrist review panel,

[NEW SECTION]

- (b) a person who is, immediately before the relevant date, a member of a tribunal referred to in section 48(3)(b) of the Act of 2001 shall, on the panel establishment date, stand appointed as a member of the legal practitioners review panel, and
 - (c) a person who is, immediately before the relevant date, a member of a tribunal referred to in section 48(3)(c) of the Act of 2001 shall, on the panel establishment date, stand appointed as a member of the community review panel.
- (2) A person appointed under *subsection (1)* shall be so appointed for a period equal to the unexpired period for which he or she was appointed as a member of the tribunal, on the same conditions (including those relating to termination of appointment) as the Commission determined when appointing him or her under section 48(6) of the Act of 2001.
- (3) The period served by a person referred to in *subsection (1)* as a member of a tribunal immediately before the relevant date and the period for which he or she is appointed under *subsection (2)* shall be regarded as one period of office for the purposes of *section 27(7)*.
- (4) A person who is a member of a tribunal immediately before the relevant date shall, on and after the relevant date, continue as a member of that tribunal and be subject to the Act of 2001 as it stood immediately before the relevant date until the date on which any of the following occurs:
- (a) the determination of the final matter referred to that tribunal under—
 - (i) section 17 or 21 of the Act of 2001, including an appeal involving a decision of the tribunal concerned under section 19 of the Act of 2001, or
 - (ii) *section 229**, including an appeal involving a decision of the tribunal concerned under section 19 of the Act of 2001;
 - (b) he or she ceases to hold office under section 48(7), (9) or (10) of the Act of 2001;
 - (c) his or her period of membership expires,
- whichever is soonest.
- (5) The functions standing vested in a member of a tribunal immediately before the relevant date shall, in relation to a matter referred to in *subsection (4)(a)*, continue to be performable on and after the relevant date by such a person.
- (6) In this section—
- “community review panel” has the meaning given to it in *section 27(2)(c)*;
 - “consultant psychiatrist review panel” has the meaning given to it in *section 27(2)(a)*;
 - “legal practitioners review panel” has the meaning given to it in *section 27(2)(b)*;
 - “panel establishment date” means the date that the Commission establishes the community review panel, the consultant psychiatrist review panel and the legal practitioners review panel under *section 27(1)*.”.

[*This is a reference to a section proposed to be inserted by amendment No. 477.]

[NEW SECTION]

479. In page 187, after line 14, to insert the following:

“Transitional provisions: admission and renewal orders for children

231. (1) Subject to *section 232**, a relevant order in respect of a child that is in force immediately before the date on which this section comes into operation (in this section referred to as the “relevant date”) shall, subject to the modifications in *subsection (2)*, continue in force on and after the relevant date and accordingly the Act of 2001 as it stood immediately before the relevant date shall continue to have effect in respect of the child until the earlier of—

(a) the date the child the subject of the relevant order is admitted under *section 62, 63, 64 or 66* following the commencement of the process specified in *section 232(1)**, or

(b) the date the relevant order is revoked and the child is discharged by the Family District Court or the District Court, as the case may be, under *section 22* of the Act of 1991 (as applied by *section 25* of the Act of 2001) following an application under *section 232(2)(b)**.

(2) The modifications referred to in *subsection (1)* are that the following provisions shall apply in respect of a relevant order that continues in force under *subsection (1)* as if the child the subject of the relevant order concerned were an involuntarily admitted child (and any other necessary modifications):

(a) *paragraphs (a), (b), (d), (e), (f) and (g) of subsection (1) and subsections (2) and (3) of section 10;*

(b) *Chapter 4 of Part 4;*

(c) *section 186.*

(3) In this section and *sections 232** and *233***, “relevant order” means—

(a) an order authorising the detention of the child in an approved centre made under *section 25(6)* of the Act of 2001, or

(b) an extension of an order referred to in paragraph (a) made under *subsections (9) or (10) of section 25* of the Act of 2001.”.

[*This is a reference to a section proposed to be inserted by amendment No. 480.]

[**This is a reference to a section proposed to be inserted by amendment No. 481.]

480. In page 187, after line 14, to insert the following:

Transitional provisions: involuntarily admitted children

232. (1) Subject to *subsection (3) and (6)*, where, immediately before the date on which this section comes into operation (in this section referred to as the “relevant date”) or following a transfer referred to in *section 235**, a child is being detained in a registered acute mental health centre pursuant to a relevant order, the clinical director of the registered acute mental health centre concerned shall, on or after the relevant date—

[NEW SECTION]

- (a) arrange for the child concerned to be examined by a consultant psychiatrist under *section 66(1)*, and
 - (b) furnish the results of that examination to the Executive.
- (2) The Executive, having considered the results of an examination under *section 66(1)* referred to in *subsection (1)*—
 - (a) shall arrange for the child to be admitted, with the agreement of the responsible consultant psychiatrist and the consent of the child or, as the case may be, his or her parents or guardian or the Agency—
 - (i) as a voluntarily admitted child under *section 62* or *63*, or
 - (ii) as a child aged 16 years or older lacking necessary capacity admitted with parental consent under *section 64*,
 - or
 - (b) shall make an application to the Family District Court or the District Court, as the case may be—
 - (i) for an order authorising the reception, detention and care and treatment of the child in a registered acute mental health centre under *section 66*, or
 - (ii) for the child to be discharged in accordance with section 22 of the Act of 1991 (as applied by section 25 of the Act of 2001).
- (3) An admission referred to in *subsection (2)(a)* or an application referred to in *subsection (2)(b)* in respect of a child the subject of a relevant order shall be made as soon as may be after the relevant date, but not later than the date the relevant order for the child concerned expires or the date that falls 28 days after the relevant date, whichever occurs sooner.
- (4) Where a child referred to in *subsection (1)* is admitted to a registered acute mental health centre under *section 62, 63, 64* or *66* or discharged in accordance with section 22 of the Act of 1991 (as applied by section 25 of the Act of 2001), the relevant order pursuant to which the child was previously detained shall immediately cease to have effect.
- (5) Where a child referred to in *subsection (1)* is admitted to a registered acute mental health centre under *section 62, 63* or *64*, the Executive shall notify the Family District Court or District Court, as the case may be, as soon as may be that the child is no longer being detained pursuant to a relevant order.
- (6) In this section, references to a child being detained in a registered acute mental health centre pursuant to a relevant order includes—
 - (a) a child on a permitted leave of absence under section 26 of the Act of 2001,
 - (b) subject to *section 236***, a child absent from that centre without permission under section 27 of the Act of 2001, and
 - (c) a child being detained in that centre following a transfer referred to in

[NEW SECTION]

section 235.*

[*This is a reference to a section proposed to be inserted by amendment No. 483.]

[**This is a reference to a section proposed to be inserted by amendment No. 484.]

481. In page 187, after line 14, to insert the following:

“Transitional provisions: involuntary admission of children processes in being

233. (1) Where, before the date on which this section comes into operation (in this section referred to as the “relevant date”), an application in respect of a child has been made under section 25(1) of the Act of 2001 but the District Court has not determined whether to make or refuse to make an admission order under that section by immediately before the relevant date, the Family District Court or District Court, as the case may be, shall, on or after the relevant date, determine whether or not the child should be admitted to a registered acute mental health centre in accordance with Part 4 subject to any necessary modifications.

(2) Where, before the relevant date, an appeal has been brought to the Circuit Court under section 28 of the Act of 1991 (as applied by section 25 of the Act of 2001) in respect of a relevant order but the Circuit Court has not determined the appeal by immediately before the relevant date, the appeal shall be determined, on or after the relevant date, in accordance with those Acts and where a relevant order is affirmed, those Acts, subject to *sections 231** and *232***, shall apply accordingly.”.

[*This is a reference to a section proposed to be inserted by amendment No. 479.]

[**This is a reference to a section proposed to be inserted by amendment No. 480.]

482. In page 187, after line 14, to insert the following:

“Transitional provisions: voluntarily admitted children

234. (1) Where, immediately before the date on which this section comes into operation (in this section referred to as the “relevant date”), a child is being treated in a registered acute mental health centre as a voluntary patient (within the meaning of the Act of 2001), his or her responsible consultant psychiatrist shall, as soon as may be but not later than 28 days after the relevant date, carry out an examination of the child.

(2) After carrying out an examination under *subsection (1)*, the responsible consultant psychiatrist shall—

(a) arrange for the child—

(i) to be admitted, with the agreement of the responsible consultant psychiatrist, and with the consent of the child or, as the case may be, his or her parents or guardian or the Agency—

(I) as a voluntarily admitted child under *section 62* or *63*, or

(II) as a child aged 16 years or older lacking necessary capacity admitted with parental consent under *section 64*,

[NEW SECTION]

or

(ii) to be discharged from the registered acute mental health centre,

or

- (b) where the results of the examination recommend the making of an application for involuntary admission, furnish the results of the examination to the Executive as soon as may be for the purpose of making an application for an involuntary admission order under *section 66*.
- (3) Where the results of the examination under *subsection (1)* recommend the making of an application for involuntary admission, that examination shall be deemed to be an examination for the purpose of *section 66(1)* if—
- (a) the examination was carried out within a period of not more than 72 hours before the making of the application under *section 66(2)*, and
- (b) a report of the results of the examination is furnished to the District Court or the Family District Court, as the case may be, by the Executive upon the making of the application.
- (4) Where, before the relevant date, a child has been detained under section 23(2) of the Act of 2001 but an application under section 25(1) of that Act has not been made by immediately before the relevant date, any admission of the child shall be determined on or after the relevant date in accordance with *section 71* as if the child were detained under that section subject to the modification that the period of 24 hours referred to in *section 71(1)* shall be deemed to have begun at the time the person was detained under section 23 of the Act of 2001.”.

483. In page 187, after line 14, to insert the following:

“Transitional provisions: transfers of persons

- 235.** (1) Where, before the date on which this section comes into operation (in this section referred to as the “relevant date”), a clinical director of a registered acute mental health centre has received an application under section 20 of the Act of 2001 for a transfer of a person to another registered acute mental health centre (in this section referred to as the “second-mentioned registered acute mental health centre”) but has not considered the application by immediately before the relevant date, the clinical director may, on or after the relevant date, consider and determine the application and, if he or she so thinks fit—
- (a) refuse the application, or
- (b) arrange for the transfer of the person to the second-mentioned registered acute mental health centre in accordance with that section and for the person to be detained accordingly in the second-mentioned registered acute mental health centre with the consent of the clinical director of that centre.
- (2) Where, before the relevant date, a clinical director of a registered acute mental health centre has arranged for the transfer of a person to another registered acute mental health centre (other than the Central Mental Hospital) under section 21(1) of the Act

[NEW SECTION]

of 2001 but the transfer has not taken place by immediately before the relevant date, the clinical director may—

- (a) refuse the transfer, or
- (b) arrange for the transfer to take place on or after the relevant date in accordance with that section and for the person to be detained accordingly in the other registered acute mental health centre concerned.”.

484. In page 187, after line 14, to insert the following:

“Transitional provisions: absence with and without leave

236. (1) Where, immediately before the date on which this section comes into operation (in this section referred to as the “relevant date”), permission for a period of absence granted to a person under section 26(1) of the Act of 2001 is in force, the grant of such permission shall, on and after the relevant date, continue in force and accordingly that Act as it stood immediately before the relevant date shall continue to have effect in respect of the person until the date of the period specified in the permission expires, unless that permission is sooner withdrawn under *subsection (2)*.

(2) Where, immediately before the relevant date, a person is absent from a registered acute mental health centre pursuant to a permission granted under section 26(1) of the Act of 2001, the responsible consultant psychiatrist for the person concerned shall, on or after the relevant date, withdraw the permission and direct the person to return to the registered acute mental health centre for the purpose of an examination referred to in *section 226(1)** or *232(1)***, as the case may be.

(3) Where, immediately before the relevant date, following a withdrawal of permission under *subsection (2)*, or on or after the relevant date, a person in respect of whom a relevant order or a relevant order within the meaning of *section 231**** is in force—

- (a) is absent from a registered acute mental health centre without permission granted under section 26(1) of the Act of 2001, or
- (b) fails to return to the registered acute mental health centre in accordance with any direction given under section 26 of the Act of 2001 or *subsection (2)*,

the clinical director of the registered acute mental health centre concerned may arrange for the person to be brought back to the centre in accordance with section 27 of the Act of 2001.”.

[*This is a reference to a section proposed to be inserted by amendment No. 474.]

[**This is a reference to a section proposed to be inserted by amendment No. 480.]

[***This is a reference to a section proposed to be inserted by amendment No. 479.]

485. In page 187, after line 14, to insert the following:

Transitional provision: registration of services, general

- 237.** (1) Where, immediately before the date on which this section comes into operation (in this section referred to as the “relevant date”) or following a determination under *section 238(1)(a)**, an approved centre within the meaning of the Act of 2001 (in this section referred to as an “approved centre”) is registered by the Commission under section 64 of the Act of 2001, the approved centre shall be deemed, on the relevant date or on the date of such a determination under *section 238(1)(a)**, to be registered as a registered acute mental health centre and shall be entered by the Commission, on or after the relevant date, in the Register of acute mental health centres under *section 139*.
- (2) The duration of a registration of an approved centre deemed to be a registered acute mental health centre in accordance with *subsection (1)* shall begin on either of the dates referred to in *subsection (1)* as applies in relation to the centre and end on the date the period of the registration of that approved centre under section 64 of the Act of 2001 expires.
- (3) Where, immediately before the relevant date, a certificate of registration in respect of an approved centre under section 64 of the Act of 2001 is in force, that certificate of registration shall, on the relevant date, be deemed to be a certificate of registration under *section 146* for the duration of the unexpired period of the registration referred to in *subsection (2)*.
- (4) The Commission shall, on or after the relevant date, include a registered proprietor of an approved centre that is deemed to be a registered acute mental health centre in accordance with *subsection (1)* as the registered proprietor of the registered acute mental health centre concerned in the Register of acute mental health centres.
- (5) The clinical director of an approved centre that is deemed to be a registered acute mental health centre in accordance with *subsection (1)* shall be deemed, on the relevant date, to be the clinical director of the registered acute mental health centre.
- (6) The registered proprietor of an approved centre that is deemed to be a registered acute mental health centre in accordance with *subsection (1)* shall, as soon as may be and not later than 3 months after the relevant date, nominate a person to be the registered person in accordance with *section 163(2)*, subject to the modification that the nominated person shall not be replacing a person named under *section 163(1)*.
- (7) A registered proprietor of a registered acute mental health centre that is deemed to be a registered acute mental health centre in accordance with *subsection (1)* shall comply with this Act and any regulations made thereunder from the relevant date.”.

[*This is a reference to a section proposed to be inserted by amendment No. 486.]

[NEW SECTION]

486. In page 187, after line 14, to insert the following:

“Transitional provision: registration of services

238. (1) Where, before the date on which this section comes into operation (in this section referred to as the “relevant date”), an application has been made for registration of an approved centre within the meaning of the Act of 2001 (in this section referred to as an “approved centre”) under section 64 of the Act of 2001 but has not been determined by immediately before the relevant date, the application shall, on or after the relevant date, be determined in accordance with that Act and—

- (a) where a certificate of registration is issued pursuant to that application under section 64 of that Act, *section 237** shall apply accordingly, and
- (b) where a decision is made under section 64 of that Act to refuse to register the approved centre concerned, to remove the centre from the register or to attach a condition, or to amend or revoke a condition attached to the registration of the centre, that decision may be appealed to the District Court in accordance with section 65 of that Act subject to any necessary modifications.

(2) Where, before the relevant date, an appeal has been made under section 65 of the Act of 2001 against a decision under section 64 of that Act—

- (a) to refuse to register an approved centre,
- (b) to remove the centre from the register or to attach a condition, or
- (c) to amend or revoke a condition attached to the registration of the centre,

but the District Court has not determined the appeal by immediately before the relevant date, the appeal shall, on and after the relevant date, be determined in accordance with that Act with any necessary modifications.

(3) Where, immediately before the relevant date, an appeal under section 65 of the Act of 2001 has not been made but, on that date, the period allowed for bringing an appeal under that section has not yet expired, a registered proprietor or, as the case may be, a person intending to be a registered proprietor of an approved centre may, on or after that date, and within the period allowed for bringing the appeal, bring an appeal to the Family District Court under section 65 of the Act of 2001 and where he or she does so, the appeal shall be determined in accordance with that Act subject to any necessary modifications.”.

[*This is a reference to a section proposed to be inserted by amendment No. 485.]

487. In page 187, after line 14, to insert the following:

“Transitional provision: register of approved centres

239. (1) Subject to *subsection (2)*, the Commission may retain the information contained in the register of approved centres maintained under section 64 of the Act of 2001 for the purposes of performing its functions under *Part 6* in respect of an acute mental health centre deemed to be a registered acute mental health centre in accordance with *section 237**.

[NEW SECTION]

- (2) The Commission may retain the information referred to in *subsection (1)* for a period of 4 years commencing on the date on which this section comes into operation.”.

[*This is a reference to a section proposed to be inserted by amendment No. 485.]

488. In page 187, after line 14, to insert the following:

“Transitional provision: Inspector of Mental Health Services

240. Where, before the date on which this section comes into operation (in this section referred to as the “relevant date”), the Inspector (within the meaning of section 50 of the Act of 2001) or an Assistant Inspector (within the meaning of section 54 of the Act of 2001) has commenced a matter under the Act of 2001 but has not completed it by immediately before the relevant date, that matter may be carried on and completed on or after the relevant date by the Inspector or the Assistant Inspector in accordance with that Act.”.

489. In page 187, after line 14, to insert the following:

“Chapter 3

Miscellaneous

Transitional provision: Service arrangements

241. An arrangement entered into under section 71A of the Act of 2001 that was for the time being in force immediately before the commencement of section 20 shall remain in force and have effect on or after the date of the commencement of section 20 as if that section had not been enacted.”.

490. In page 187, after line 14, to insert the following:

“Transitional provision: Superannuation schemes

242. A superannuation scheme made under section 40 of the Act of 2001 that was in force immediately before the commencement of section 120 or 121, as the case may be, shall—
- (a) remain in force and have effect on or after the commencement of section 120 or 121, as the case may be, as if the scheme concerned had been made under section 120 or 121, as the case may be, and
 - (b) be construed as if references to a member of the staff of the Commission included references to a member of the staff of the Commission as established under the Act of 2001.”.

TITLE

491. In page 13, line 20, to delete “District Court” and substitute “Family District Court or the District Court, as the case may be”.
492. In page 13, line 25, after “practices” to insert “and the prohibition on administration of electro-convulsive therapy”.