



Disabled Persons (Northern Ireland) Act 1989

1989 CHAPTER 10

An Act to make provision equivalent to the Disabled Persons (Services, Consultation and Representation) Act 1986 for Northern Ireland. [25th May 1989]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PROSPECTIVE

1 Appointment of authorised representatives of disabled persons.

- (1) In this Act “authorised representative”, in relation to a disabled person, means a person for the time being appointed by or on behalf of that disabled person (in accordance with regulations made under this section) to act as his authorised representative for the purposes of this Act.
- (2) The Department of Health and Social Services for Northern Ireland (in this Act referred to as “the Department”) may by regulations make provision with respect to the appointment of persons to act as the authorised representatives of disabled persons, including provision—
 - (a) for the manner in which the appointment of a person as an authorised representative is to be made; and
 - [^{F1}(b) for any such appointment to be notified to a relevant authority.]
- (3) Any such regulations—
 - (a) may provide for the parent of a disabled person under the age of 16 to appoint himself or some other person as the authorised representative of the disabled person (but shall not permit a person under that age himself to appoint a person as his authorised representative);

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Changes to legislation: There are currently no known outstanding effects for the Disabled Persons (Northern Ireland) Act 1989. (See end of Document for details)

- (b) may provide for the appointment of a person as the authorised representative of a disabled person who is a child [F²looked after by a relevant authority to be made by the][F³relevant authority] in such circumstances as may be specified in the regulations;
 - (c) may, in accordance with subsection (4), provide for the appointment of a person as the authorised representative of a disabled person to be made by, or under arrangements made by, a [F³relevant authority] in a case where the disabled person appears to the [F³relevant authority] to be unable to appoint a person as his authorised representative by reason of any mental or physical incapacity;
 - (d) may contain such incidental or supplementary provisions as the Department thinks fit.
- (4) Regulations under paragraph (c) of subsection (3) may make provision—
- (a) for requiring a [F³relevant authority], for the purpose of enabling it to determine whether a disabled person is unable to appoint a person as his authorised representative as mentioned in that paragraph, to obtain the opinion of a registered medical practitioner;
 - (b) for authorising a [F³relevant authority], where it determines that a disabled person is so unable, either—
 - (i) itself to appoint a person as the disabled person’s authorised representative, or
 - (ii) to make with any voluntary organisation, person or persons approved by the [F³relevant authority] for the purpose such arrangements as the [F³relevant authority] thinks fit for such an appointment to be made by the organisation, person or persons concerned;
 - (c) for requiring or authorising a [F³relevant authority], before determining the question specified in paragraph (a), or (as the case may be) before making any appointment of an authorised representative, or any arrangements, in pursuance of paragraph (b), to consult any of the following, namely,—
 - (i) a person or persons appointed by the [F³relevant authority] for the purpose, or
 - (ii) a person or persons falling within any class or description specified in the regulations;
 - (d) for requiring a [F³relevant authority], in such circumstances as may be specified in the regulations, to review the case of a disabled person whose authorised representative has been appointed in pursuance of paragraph (b) (whether by the [F³relevant authority] or under any arrangements made by it) for the purpose of determining whether he is still unable to appoint a person as his authorised representative as mentioned in subsection (3)(c).
- (5) Subsections (2) to (4) shall apply, with any necessary modifications, in relation to the termination of the appointment of a person as an authorised representative as they apply in relation to the making of such an appointment.
- (6) It is hereby declared that any person exercising under Part II of the Mental Health Order—
- (a) the functions of the nearest relative of a disabled person, or
 - (b) the functions of the guardian of a disabled person received into guardianship under that Part,

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may, if appointed as such in accordance with this section, also act as that person's authorised representative.

Textual Amendments

- F1** S. 1(2)(b) substituted (1.4.1994) by S.I. 1994/429 (N.I. 2), arts. 1(3), 7(1), **Sch. 1**
- F2** S. 1(3)(b) substituted (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(1), **Sch. 9 para. 168** (with Sch. 8 para. 1); S.I. 1996/297, **art. 2(2)**
- F3** Words in s. 1 substituted (1.4.1994) by S.I. 1994/429 (N.I. 2), arts. 1(3), 7(1), **Sch. 1**

PROSPECTIVE

2 Rights of authorised representatives of disabled persons.

- (1) A [^{F4}relevant authority] shall permit the authorised representative of a disabled person, if requested by the disabled person—
- to act as the representative of the disabled person in connection with the provision of any personal social services for him, or
 - to accompany the disabled person (otherwise than as his representative) to any meeting or interview held by or on behalf of the [^{F4}relevant authority] in connection with the provision of any such services for him.
- (2) For the purpose of assisting the authorised representative of a disabled person to do any of the things mentioned in subsection (1)(a) and (b) a [^{F4}relevant authority] shall, if requested by the disabled person—
- supply to the authorised representative any information, and
 - make available for his inspection any documents,
- that the disabled person would be entitled to require the [^{F4}relevant authority] to supply to him or (as the case may be) to make available for his inspection.
- (3) In relation to a disabled person whose authorised representative has been appointed by virtue of subsection (3) of section 1, subsections (1) and (2) above shall each have effect as follows—
- if the appointment was made by virtue of subsection (3)(a) of that section, the words “the parent of” shall be inserted after the words “if requested by” ; and
 - if the appointment was made by virtue of subsection (3)(b) or (c) of that section, the words “if requested by the disabled person” shall be omitted.
- (4) A [^{F4}relevant authority] shall not be required by virtue of subsection (1) or (2)—
- to permit an authorised representative to be present at any meeting or interview or part of a meeting or interview, or
 - to supply any information to an authorised representative or to make any documents available for the inspection of an authorised representative,
- if the [^{F4}relevant authority] is satisfied that to do so would be likely to be harmful to the interests of the disabled person by whom or on whose behalf the representative has been appointed; and in determining that matter the [^{F4}relevant authority] shall have regard to any wishes expressed by the disabled person.
- (5) Where a disabled person is residing—

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- (a) in hospital but not in special accommodation, or
- (b) in residential accommodation provided under [^{F5}section 2(1)(b) of the Health and Social Care (Reform) Act (Northern Ireland) 2009 and Article] 15 of the 1972 Order, or
- (c) in accommodation provided in accordance with arrangements made by the Department under Article 36 of that Order, or
- [^{F6}(d) in a residential care home or nursing home within the meaning of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003; or]
- [^{F7}(e) in accommodation provided by or on behalf of a relevant authority under Part IV of the Children (Northern Ireland) Order 1995 or by a voluntary organisation or other person in accordance with arrangements made by a relevant authority under Article 18 of that Order, or]
- ^{F8}(f)
- (g) at any place specified by a person having the guardianship of the disabled person under Part II of the Mental Health Order, or
- (h) in accommodation provided by any educational establishment,
- the disabled person's authorised representative may at any reasonable time visit him there and interview him in private.
- (6) The Department may, after consulting such bodies as appear to it to be appropriate, provide by order for any of the preceding provisions of this section to have effect (with such modifications as may be prescribed by the order) in relation to the provision by Boards [^{F9}or HSS trusts] of such health services as may be specified by the order.
- (7) The Department of Education for Northern Ireland may, after consulting such bodies as appear to it to be appropriate, provide by order for any of subsections (1) to (5) to have effect (with such modifications as may be prescribed by the order) in relation to the provision by [^{F10}the Authority] of such services as may be specified by the order.
- (8) The Department of the Environment for Northern Ireland may, after consulting such bodies as appear to it to be appropriate, provide by order for any of subsections (1) to (5) to have effect (with such modifications as may be prescribed by the order) in relation to the provision by the Northern Ireland Housing Executive and district councils of such services as may be specified by the order.
- (9) An order under subsection (6), (7) or (8) may provide for regulations made under section 1 to have effect for the purposes of the order with such modifications as may be specified, and in that event the reference in subsection (1) of that section to regulations made under that section shall be read as a reference to any such regulations as they have effect in accordance with the order.

Textual Amendments

- F4** Words in s. 2 substituted (1.4.1994) by S.I. 1994/429 (N.I. 2), arts. 1(3), 7(1), **Sch. 1**
- F5** Words in s. 2(5)(b) substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), s. 34(3), **Sch. 6 para. 12**; S.R. 2009/114, art. 2
- F6** S. 2(5)(d) substituted (1.4.2005) by [The Health and Personal Social Services \(Quality, Improvement and Regulation\) \(Northern Ireland\) Order 2003 \(S.I. 2003/431\)](#), art. 1(3), **Sch. 4**; S.R. 2005/44, art. 3, Sch. 1 (with arts. 4-13)
- F7** S. 2(5)(e) substituted (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(1), **Sch. 9 para. 169** (with Sch. 8 para. 1); S.I. 1996/297, **art. 2(2)**

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- F8** S. 2(5)(f) repealed (1.4.1993) by S.I. 1992/3204 (N.I. 20), art. 38, **Sch. 2**; S.R. 1993/75, **art. 2**
F9 Words in s. 2(6) inserted (1.4.1994) by S.I. 1994/429 (N.I. 2), arts. 1(3), 7(1), **Sch. 1**
F10 Words in s. 2(7) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 10(1)** (with **Sch. 2 para. 4(3)**); S.R. 2015/35, art. 2(b)

PROSPECTIVE

3 Assessment by Boards of needs of disabled persons.

(1) Where—

- (a) on any assessment carried out by a [F11relevant authority] in pursuance of any provision of this Act, or
- (b) on any other occasion,

it falls to the [F11relevant authority] to decide whether the needs of a disabled person call for the provision of any personal social services for that person, the [F11relevant authority] shall afford an opportunity to the disabled person or his authorised representative to make, within such reasonable period as the [F11relevant authority] may allow for the purpose, representations to an officer of the [F11relevant authority] as to any needs of the disabled person calling for the provision of any such services for him.

(2) Where—

- (a) either—
 - (i) representations have been made to a [F11relevant authority] under subsection (1), or
 - (ii) the period mentioned in that subsection has expired without any representations being so made, and
- (b) the [F11relevant authority] has reached a decision on the question referred to in that subsection (having taken into account any representations made as mentioned above),

the [F12relevant authority] shall, if requested by the disabled person or his authorised representative, supply the person making the request with a written statement complying with subsection (3).

(3) The written statement referred to in subsection (2) must—

- (a) either specify—
 - (i) any needs of the disabled person which in the opinion of the [F11relevant authority] call for the provision of any personal social services, and
 - (ii) in the case of each such need, the personal social services that it proposes to provide to meet that need,
or state that, in the opinion of the [F11relevant authority], the disabled person has no needs calling for the provision of any such services; and
- (b) give an explanation of the [F13relevant authority's] decision; and
- (c) contain particulars of the right of the disabled person or his authorised representative to make representations with respect to the statement under subsection (5).

(4) Where the [F11relevant authority] does not propose to provide any personal social services to meet a particular need identified in any representations under

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subsection (1), any statement supplied under subsection (2) must state that fact together with the reasons why the [F11relevant authority] does not propose to provide any such services.

- (5) If the disabled person or his authorised representative is dissatisfied with any matter included in the statement supplied under subsection (2), that person may, within such reasonable period as the [F11relevant authority] may allow for the purpose, make representations to an officer of the [F11relevant authority] with respect to that matter.
- (6) Where any such representations have been made to the [F11relevant authority] in accordance with subsection (5), the [F11relevant authority] shall—
- (a) consider (or, as the case may be, reconsider) whether any, and (if so) what, personal social services should be provided for the disabled person to meet any need identified in the representations; and
 - (b) inform the disabled person or his authorised representative in writing of its decision on that question and its reasons for that decision.
- (7) Where—
- (a) the disabled person or his authorised representative is unable to communicate, or (as the case may be) be communicated with, orally or in writing (or in each of those ways) by reason of any mental or physical incapacity, or
 - (b) both of those persons are in that position (whether by reason of the same incapacity or not),
- the [F11relevant authority] shall provide such services as, in its opinion, are necessary to ensure that any such incapacity does not—
- (i) prevent the [F11relevant authority] from discharging its functions under this section in relation to the disabled person, or
 - (ii) prevent the making of representations under this section by or on behalf of that person.
- (8) In determining—
- (a) whether it is required to provide any services under subsection (7) to meet any need of the disabled person or his authorised representative, and
 - (b) (if so) what those services should be,
- the [F14relevant authority] shall have regard to any views expressed by either of those persons as to the necessity for any such services or (as appropriate) to any views so expressed as to the services which should be so provided.
- (9) In this section “representations” means representations made orally or in writing (or both).

Textual Amendments

- F11** Words in s. 3 substituted (1.4.1994) by S.I. 1994/429 (N.I. 2), arts. 1(3), 7(1), **Sch. 1**
- F12** Words in s. 3 substituted (1.4.1994) by S.I. 1994/429 (N.I. 2), arts. 1(3), 7(1), **Sch. 1**
- F13** Words in s. 3(3)(b) substituted (1.4.1994) by S.I. 1994/429 (N.I. 2), arts. 1(3), 7(1), **Sch. 1**
- F14** Words in s. 3 substituted (1.4.1994) by S.I. 1994/429 (N.I. 2), arts. 1(3), 7(1), **Sch. 1**

4 Services under s. 2 of the 1978 Act: duty to consider needs of disabled persons.

A [F15relevant authority] shall, when requested to do so by—

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- (a) a disabled person,
- (b) his authorised representative, or
- (c) any person who provides care for him in the circumstances mentioned in section 8,

decide whether the needs of the disabled person call for the provision by [F16the authority] of any services in accordance with section 2 of the M11978 Act (provision of welfare services).

Textual Amendments

- F15** Words in s. 4 substituted (1.4.1994) by S.I. 1994/429 (N.I. 2), arts. 1(3), 7(1), **Sch. 1**
- F16** Words in s. 4 substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 127**; S.R. 2022/102, art. 2(b)

Commencement Information

- I1** S. 4 partly in force; s. 4 not in force at Royal Assent see s. 12(2); s. 4 except paragraph (b) in force at 1.4.1991 by S.R. 1990/456, art. 2, **Sch.**

Marginal Citations

- M1** 1978 c. 53.

5 Disabled persons leaving special education.

(1) Where—

- (a) [F17the Authority] has made a statement under [F18Article 16] of the Education Order (statement of child's special educational needs) in respect of a child under the age of 14, and
- (b) the statement is still maintained by [F19the Authority] at whichever is the earlier of the following times, namely—
 - (i) the time when [F19the Authority] institutes the first annual review of the statement following the child's fourteenth birthday, and
 - (ii) any time falling after that birthday when [F19the Authority] institutes a re-assessment of his educational needs,

[F19the Authority] shall at that time require the appropriate officer to give [F19the Authority] his opinion as to whether the child is or is not a disabled person.

(2) Where—

- (a) [F20the Authority] makes any such statement in respect of a child after he has attained the age of 14, or
- (b) [F20the Authority] maintains any such statement in respect of a child in whose case the appropriate officer has, in pursuance of subsection (1), given his opinion that the child is not a disabled person, but [F21the Authority] has become aware of a significant change in the mental or physical condition of the child giving [F22the Authority] reason to believe that he may now be a disabled person,

[F21the Authority] shall, at the time of making the statement or (as the case may be) of becoming aware of that change, require the appropriate officer to give [F21the Authority] his opinion as to whether the child is or is not a disabled person.

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(3) Where, in pursuance of subsection (1) or (2), an opinion has been given that a child is a disabled person and it subsequently appears to [F²³the Authority] —

- (a) that the child will cease to receive full-time education at school on a particular date and will not subsequently be receiving full-time education at an institution of further education, or
- (b) that the child will cease to receive full-time education at such an institution on a particular date,

[F²³the Authority] shall give to the appropriate officer written notification for the purposes of subsection (5) of the date referred to in paragraph (a) or (b); and any such notification shall be given not later than the relevant date and not earlier than four months before that date.

In this subsection “the relevant date” means the date falling 8 months before the date referred to in paragraph (a) or (b) above.

(4) If at any time it appears to [F²⁴the Authority] —

- (a) that a person has on a particular date ceased to receive full-time education as mentioned in paragraph (a) or (b) of subsection (3) or will cease to do so on a particular date falling less than 8 months after that time, and
- (b) that no notification of that date has been given to the appropriate officer under that subsection with respect to that person, but
- (c) that, had [F²⁵the Authority] been aware of his intentions 8 months or more before that date, [F²⁶the Authority] would have been required to give notification of that date under that subsection with respect to him,

[F²⁶the Authority] shall, as soon as is reasonably practicable, give to the appropriate officer written notification for the purposes of subsection (5) of that date.

(5) When the appropriate officer receives a notification given with respect to any person under subsection (3) or (4), he shall (subject to subsections (6) and (7)) make arrangements for [F²⁷the relevant authority of which he is an officer to carry out an assessment of the needs of that person with respect to the provision by that relevant authority] of any personal social services for that person, and any such assessment shall be carried out—

- (a) in the case of a notification under subsection (3), not later than the end of the period of 5 months beginning with the date of receipt of the notification, or
- (b) in the case of a notification under subsection (4), before the date specified in the notification, if reasonably practicable, and in any event not later than the end of the period referred to in paragraph (a) above.

(6) If—

- (a) a notification has been given to the appropriate officer with respect to any person under subsection (3) or (4), but
- (b) it subsequently appears to [F²⁸the Authority] that that person will be receiving full-time education (whether at school or at an institution of further education) at a time later than the date specified in the notification,

[F²⁸the Authority] shall give written notification of the relevant facts to that officer as soon as is reasonably practicable; and on receiving any such notification that officer shall cease to be required under subsection (5) to make arrangements for the assessment of the needs of the person in question (but without prejudice to the operation of that subsection in relation to any further notification given with respect to that person under subsection (3) or (4)).

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- (7) Nothing in subsection (5) shall require the appropriate officer to make arrangements for the assessment of the needs of a person—
- (a) if, having attained the age of 16, he has requested that such arrangements should not be made under that subsection, or
 - (b) if, being under that age, his parent has made such a request.
- (8) [^{F18}Regulations under paragraph 7(2) of Schedule 2 to the Education Order (statements of special educational needs) may, in relation to the transfer of statements made under Article 16] of that Order, make such provision as appears to the Department of Education for Northern Ireland to be necessary or expedient in connection with the provisions of this section.
- (9) In this section—

“the appropriate officer”, in relation to the child or person referred to in the provision of this section in question, [^{F29}means such officer as may be appointed for the purposes of this section by the HSC trust in whose operational area the child or person is for the time being ordinarily resident.]

“child” means, subject to [^{F18}Article 3(7) and (8)] of the Education Order in relation to a child with special educational needs, a person of compulsory school age who is registered as a pupil at a school or an institution of further education; ^{F30}...

^{F30}
.....

and other expressions used in this section and in the Education Order (and not defined in this Act) have the same meaning in this section as in that Order.

Textual Amendments

- F17** Words in s. 5(1) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 10(2)(a)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F18** Words in s. 5(1)(a)(8)(9) substituted (1.9.1997) by S.I. 1996/274 (N.I. 1), art. 43, **Sch. 5 Pt. I**; S.R. 1997/307, **art. 3(d)**
- F19** Words in s. 5(1) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 10(2)(b)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F20** Words in s. 5(2) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 10(3)(a)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F21** Words in s. 5(2) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 10(3)(b)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F22** Words in s. 5(2) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 10(3)(c)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F23** Words in s. 5(3) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 10(4)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F24** Words in s. 5(4) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 10(5)(a)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F25** Words in s. 5(4) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 10(5)(b)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F26** Words in s. 5(4) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 10(5)(c)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F27** Words in s. 5(5)(9) substituted (1.4.1994) by S.I. 1994/429 (N.I. 2), arts. 1(3), 7(1), **Sch. 1**
- F28** Words in s. 5(6) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 10(6)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

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- F29** Words in s. 5(9) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 128**; S.R. 2022/102, art. 2(b)
- F30** Words in s. 5(9) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 4** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

6 Review of expected leaving dates from full-time education of disabled persons.

- (1) [^{F31}The Authority] shall for the purposes of section 5 keep under review the dates when the following children are expected to cease to receive full-time education at school or (as the case may be) at an institution of further education, namely—
- (a) children ^{F32}... in the case of each of whom an opinion has been given in pursuance of subsection (1) or (2) of section 5 that he is a disabled person ^{F32}...; and
 - (b) children at institutions of further education ^{F33}... in the case of each of whom any such opinion has been given as mentioned in paragraph (a).
- (2) Subsection (9) of section 5 shall have effect for the purposes of this section as it has effect for the purposes of that section.

Textual Amendments

- F31** Words in s. 6(1) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 10(7)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F32** Words in s. 6(1)(a) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 4** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F33** Words in s. 6(1)(b) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 4** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

[^{F34}7] Persons discharged from hospital accommodation.

- (1) Where a person is to be discharged from hospital accommodation after having received medical treatment for mental disorder as an in-patient for a continuous period of not less than 6 months ending with the date on which he is to be discharged, the [^{F35}HSC trust] managing the hospital accommodation shall, as soon as is reasonably practicable after that date is known to it, give written notification of that date in accordance with subsection (3).
- (2) Where—
- (a) a person liable to be detained under the Mental Health Order is discharged from hospital accommodation in pursuance of an order for his immediate discharge made by the Mental Health Review Tribunal for Northern Ireland, and
 - (b) he is so discharged after having received medical treatment for mental disorder as an in-patient for a continuous period of not less than 6 months ending with the date of his discharge,
- the [^{F35}HSC trust] managing the hospital accommodation shall, as soon as is reasonably practicable, give written notification of that person's discharge in accordance with subsection (3).

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- (3) Notification under subsection (1) or (2) with respect to any person shall be given to any [^{F35}HSC trust] whose functions appear to include the provision of any health or personal social services which that person may need.
- (4) Where—
- (a) [^{F36}an HSC trust] receives a notification given under subsection (1) or (2) with respect to a person who is under the age of 19 on the date on which he is to be, or is, discharged; or
 - (b) the [^{F37}the HSC trust] managing the hospital accommodation from which such a person is to be, or is, discharged as mentioned in subsection (1) or (2) has functions which include the provision of any services mentioned in subsection (3),
- that ^{F38}... trust shall, as soon as is reasonably practicable, give written notification of the date on which that person is to be, or is, discharged to [^{F39}the Authority].
- (5) Where—
- (a) [^{F40}an HSC trust] receives a notification given with respect to a person under subsection (1) or (2), or
 - (b) [^{F41}the HSC trust] managing the hospital accommodation from which a person is to be, or is, discharged as mentioned in subsection (1) or (2) has functions which include the provision of any services mentioned in subsection (3),
- that ^{F42}... trust shall, subject to subsection (8), make arrangements for an assessment of the needs of that person with respect to the provision of any health or personal social services the provision of which falls within the functions of that Board or trust.
- (6) In making any arrangements under subsection (5) [^{F43}an HSC trust] falling within paragraph (a) of that subsection shall consult [^{F44}the HSC trust] managing the hospital accommodation in question.
- (7) Any assessment for which arrangements are required to be made by subsection (5) shall be carried out—
- (a) where the person is to be discharged as described in subsection (1), not later than the date mentioned in that subsection, or
 - (b) where the person is discharged as described in subsection (2), as soon as is reasonably practicable after the date of his discharge.
- (8) [^{F45}An HSC trust] shall not be required to make arrangements for an assessment of the needs of a person by virtue of subsection (5) if that person has requested it not to make any such arrangements.
- (9) Nothing in this section shall apply in relation to a person who is being discharged from any hospital accommodation for the purpose of being transferred to other hospital accommodation in which he will be an in-patient (whether or not he will be receiving medical treatment for mental disorder); but any reference in subsection (1) or (2) to a person's having received medical treatment for mental disorder as an in-patient for the period mentioned in that subsection is a reference to his having received such treatment for that period whether or not he received the treatment at the same hospital accommodation throughout that period and disregarding any interruption of that period attributable to his being transferred to other hospital accommodation.
- (10) In this section “medical treatment” has the meaning given by Article 2(2) of the Mental Health Order.]

*Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Disabled Persons (Northern Ireland) Act 1989. (See end of Document for details)*

Textual Amendments

- F34** S. 7 substituted (1.4.1994) by S.I. 1994/429, arts. 1(3), 7(1), **Sch. 1**
- F35** Words in s. 7(1)-(3) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(2)**; S.R. 2022/102, art. 2(b)
- F36** Words in s. 7(4)(a) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(3)(a)**; S.R. 2022/102, art. 2(b)
- F37** Words in s. 7(4)(b) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(3)(b)**; S.R. 2022/102, art. 2(b)
- F38** Words in s. 7(4) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(3)(c)**; S.R. 2022/102, art. 2(b)
- F39** Words in s. 7(4) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 10(8)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)
- F40** Words in s. 7(5)(a) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(4)(a)**; S.R. 2022/102, art. 2(b)
- F41** Words in s. 7(5)(b) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(4)(b)**; S.R. 2022/102, art. 2(b)
- F42** Words in s. 7(5) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(4)(c)**; S.R. 2022/102, art. 2(b)
- F43** Words in s. 7(6) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(5)(a)**; S.R. 2022/102, art. 2(b)
- F44** Words in s. 7(6) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(5)(b)**; S.R. 2022/102, art. 2(b)
- F45** Words in s. 7(8) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 129(6)**; S.R. 2022/102, art. 2(b)

8 Duty of [^{F46}relevant authority] to take into account abilities of carer.

(1) Where—

- (a) a disabled person is living at home and receiving a substantial amount of care on a regular basis from another person (who is not a person employed to provide such care by any body in the exercise of its functions under any enactment), and
- (b) it falls to a [^{F47}relevant authority] to decide whether the disabled person's needs call for the provision of any personal social services for him,

the [^{F47}relevant authority] shall, in deciding that question, have regard to the ability of that other person to continue to provide such care on a regular basis.

- (2) Where that other person is unable to communicate, or (as the case may be) be communicated with, orally or in writing (or in each of those ways) by reason of any mental or physical incapacity, the [^{F47}relevant authority] shall provide such services as, in its opinion, are necessary to ensure that any such incapacity does not prevent the [^{F47}relevant authority] from being properly informed as to the ability of that person to continue to provide care as mentioned in subsection (1).

- (3) Section 3(8) shall apply for the purposes of subsection (2) above as it applies for the purposes of section 3(7), but as if any reference to the disabled person or his authorised representative were a reference to the person mentioned in subsection (2).

*Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Disabled Persons (Northern Ireland) Act 1989. (See end of Document for details)*

Textual Amendments

- F46** Words in s. 8 heading substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 130](#); S.R. 2022/102, art. 2(b)
- F47** Words in s. 8 substituted (1.4.1994) by S.I. 1994/429 (N.I. 2), arts. 1(3), 7(1), [Sch. 1](#)

Modifications etc. (not altering text)

- C1** S. 8 excluded (31.3.2003) by [Carers and Direct Payments Act \(Northern Ireland\) 2002 \(c. 6\)](#), [ss. 1\(6\), 11](#); S.R. 2003/201, art. 2
- C2** S. 8 excluded by S.I. 1995/755 (N.I. 2), [art. 18A\(6\)](#) (as inserted (31.3.2003) by [Carers and Direct Payments Act \(Northern Ireland\) 2002 \(c. 6\)](#), [ss. 5, 11](#); S.R. 2003/201, art. 2)

Commencement Information

- I2** S. 8 partly in force; s. 8 not in force at Royal Assent see s. 12(2); s. 8(1) in force at 1.4.1991 by S.R. 1990/456, art. 2, [Sch.](#)

9 Co-option to committees etc. of persons representing interests of disabled persons.

Where any enactment provides for the appointment or co-option to any council, committee or body of one or more persons with special knowledge of the needs of disabled persons, such appointment or co-option shall only be made after consultation with such organisation or organisations of disabled people as may be appropriate in each case.

10 Reports.

The Department shall annually lay before the Northern Ireland Assembly a report containing the following information, namely—

- (a) such information as the Department considers appropriate with respect to the development of health services and personal social services in the community for persons suffering from mental disorder who are not resident in hospitals;
- (b) information with respect to the number of persons receiving treatment for mental disorder as in-patients in hospital accommodation, and analysed by reference to age and length of stay; and
- (c) such other information (if any) as the Department considers appropriate to be included in the report.

11 Interpretation, regulations and orders and repeal.

(1) In this Act—

“the 1972 Order” means the ^{M2}Health and Personal Social Services (Northern Ireland) Order 1972;

“the 1978 Act” means the ^{M3}Chronically Sick and Disabled Persons (Northern Ireland) Act 1978;

“authorised representative” has the meaning given by section 1(1);

^{F48}
...

[^{F49}“the Authority” means the Education Authority;]

“the Department” has the meaning given by section 1(2);

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Changes to legislation: There are currently no known outstanding effects for the Disabled Persons (Northern Ireland) Act 1989. (See end of Document for details)

“the Education Order” means the Education [^{F50}(Northern Ireland) Order 1996];

“disabled person” means a person to whom section 1 of the 1978 Act applies;

^{F51}
...

“health services” has the meaning given by Article 2(2) of the 1972 Order;

“hospital” has the meaning given by Article 2(2) of the 1972 Order;

“hospital accommodation” means any hospital or special accommodation vested in the Department [^{F52}or an [^{F53}HSC] trust];

[^{F54}“HSC trust” means a Health and Social Care trust established under the Health and Personal Social Services (Northern Ireland) Order 1991;]

“the Mental Health Order” means the ^{M4}Mental Health (Northern Ireland) Order 1986;

“mental disorder” has the meaning given by Article 3 of the Mental Health Order;

“modifications” includes additions, omissions and amendments;

“parent” [^{F55}in relation to a disabled person under the age of 16, includes a person who is not a parent of his but who has parental responsibility for him (within the meaning of the Children (Northern Ireland) Order 1995)];

“personal social services” means services provided ^{F56}... under Article 4(b) or 15 of the 1972 Order or section 2 of the 1978 Act [^{F57}or under Part IV of the Children (Northern Ireland) Order 1995];

[^{F58}“relevant authority” means an HSC trust that is exercising social care and children functions within the meaning of Article 10A of the Health and Personal Social Services (Northern Ireland) Order 1991;]

“services” includes facilities;

“special accommodation” has the meaning given by Article 110 of the Mental Health Order;

“voluntary organisation” means any association carrying on or proposing to carry on any activities otherwise than for the purpose of gain by the association or by individual members.

[^{F59}(1A) In this Act any reference to a child who is looked after by a relevant authority has the same meaning as in the Children (Northern Ireland) Order 1995.]

(2) The power to make regulations or an order under this Act shall be exercisable by statutory rule for the purposes of the ^{M5}Statutory Rules (Northern Ireland) Order 1979.

(3) A statutory rule containing regulations or an order under this Act (except an order under section 12(2)) shall be subject to negative resolution within the meaning of section 41(6) of the ^{M6}Interpretation Act (Northern Ireland) 1954 as if this Act were a Measure of the Northern Ireland Assembly.

^{F60}(4)

Textual Amendments

F48 Word in s. 11(1) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 131\(a\)](#); S.R. 2022/102, art. 2(b)

F49 Words in s. 11 inserted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\)](#), [Sch. 3 para. 10\(9\)](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, art. 2(b)

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Disabled Persons (Northern Ireland) Act 1989. (See end of Document for details)

- F50** Words in definition of the “Education Order” in s. 11(1) substituted (1.9.1997) by S.I. 1996/274 (N.I. 1), art. 43, **Sch. 5 Pt. I**; S.R. 1997/307, **art. 3(d)**
- F51** Definition of guardian in s. 11(1) repealed (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(2), **Sch. 10** (with Sch. 8 para. 1); S.I. 1996/297, **art. 2(2)**
- F52** Words in s. 11(1) added (15.4.1991) by S.I. 1991/194, arts. 1(2), 34, **Sch. 5 Pt. II**; S.R. 1991/131, art. 2, **Sch. Pt. I**
- F53** Word in s. 11(1) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 131(b)**; S.R. 2022/102, art. 2(b)
- F54** Words in s. 11(1) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 131(c)**; S.R. 2022/102, art. 2(b)
- F55** Words in definition of “parent” in s. 11(1) substituted (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(1), **Sch. 9 para. 170(1)(a)** (with Sch. 8 para. 1); S.I. 1996/297, **art. 2(2)**
- F56** Words in definition of “personal social services” in s. 11(1) repealed (1.4.1994) by S.I. 1994/429 (N.I. 2), arts. 1(3), 7(1)(3), Sch. 1, **Sch. 2**
- F57** Words in definition of “personal social services” in s. 11(1) added (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(1), **Sch. 9 para. 170(1)(b)** (with Sch. 8 para. 1); S.I. 1996/297, **art. 2(2)**
- F58** Words in s. 11(1) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 131(d)**; S.R. 2022/102, art. 2(b)
- F59** S. 11(1A) inserted (4.11.1996) by S.I. 1995/755 (N.I. 2), art. 185(1), **Sch. 9 para. 170(2)** (with Sch. 8 para. 1); S.I. 1996/297, **art. 2(2)**
- F60** S. 11(4) repealed (1.4.1994) by S.I. 1994/429 (N.I. 2), arts. 1(3), 7(3), **Sch. 2**

Commencement Information

- I3** S. 11 wholly in force at 1.4.1991; s. 11 not in force at Royal Assent see s. 12(2); s. 11(1)–(3) in force at 7.12.1989 by S.R. 1989/474, art. 2, **Sch.**; s. 11(4) in force at 1.4.1991 by S.R. 1990/456, art. 2, **Sch.**

Marginal Citations

- M2** S.I. 1972/1265 (N.I. 14).
M3 1978 c. 53.
M4 S.I. 1986/595 (N.I. 4).
M5 S.I. 1979/1573 (N.I. 12).
M6 1954 c. 33 (N.I.).

12 Short title, commencement and extent.

- (1) This Act may be cited as the Disabled Persons (Northern Ireland) Act 1989.
- (2) This Act shall come into force on such day as the Head of the Department may by order appoint, and different days may be appointed for different provisions or different purposes.
- (3) This Act extends to Northern Ireland only.

Modifications etc. (not altering text)

- C3** Power of appointment conferred by s. 12(2) partly exercised: S.R. 1989/474, S.R. 1990/456

Status:

This version of this Act contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Disabled Persons (Northern Ireland) Act 1989.