
STATUTORY INSTRUMENTS

1986 No. 595

The Mental Health (Northern Ireland) Order 1986

PART VII

REGISTRATION OF PRIVATE HOSPITALS

Registration of private hospitals

90.—(1) Every private hospital within the meaning of this Order shall be registered, and the following provisions of this Part shall apply to the registration, conduct and inspection of private hospitals.

(2) In this Order “private hospital” means any premises used or intended to be used for the reception of, and the provision of treatment for, one or more patients subject to detention under this Order (whether or not other persons are received and treated); not being a hospital vested in the^[F1] the Department or an ^[F2]HSC trust]].

Annotations:

F1 1994 NI 2

F2 Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(d\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)

Application for, and grant of, certificate of registration

91.—(1) An application for the registration of premises as a private hospital shall be made in writing to the Department by or on behalf of the person proposing to carry on the hospital, and shall be accompanied by a fee of such amount as may be prescribed.

(2) Subject to paragraph (3), the Department may register the premises named in the application and issue to the person proposing to carry on the hospital a certificate of registration.

(3) The Department shall not issue a certificate of registration unless the Department is satisfied—

- (a) that the person proposing to carry on the hospital is a fit person for this purpose, having regard to his age, conduct and any other relevant consideration; and
- (b) that the premises are fit to be used for a private hospital; and
- (c) that the arrangements proposed for patients are suitable and adequate; and
- (d) that the medical and nursing staff proposed is adequate for the hospital and is suitably trained and qualified.

(4) Nothing in the foregoing provisions of this Article shall be construed as requiring the Department to issue a certificate of registration.

Certificates of registration

92.—(1) A certificate of registration shall—

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Mental Health (Northern Ireland) Order 1986*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (a) specify the maximum number of persons who at any one time may receive care or treatment in the hospital to which the certificate relates; and
 - (b) contain such conditions as the Department may consider appropriate for regulating the category of patients who may be received into the hospital.
- (2) A certificate of registration shall, unless cancelled or surrendered, continue in force for a period of five years from its date of issue, but shall be renewable on a fresh application.
- (3) A certificate of registration shall be kept fixed conspicuously in the hospital to which it relates, and if this requirement is not complied with the person carrying on the hospital shall be guilty of an offence under this Part.

Control of private hospitals

- 93.**—(1) It shall be the duty of any person carrying on a private hospital—
- (a) to keep the hospital open to inspection in pursuance of this Article at all reasonable times;
 - (b) to keep such registers and records as may be prescribed and to keep those registers and records open to inspection;
 - (c) to ensure that any conditions specified in the certificate of registration are complied with;
 - (d) to afford to the High Court, the Office of Care and Protection, the Review Tribunal and [F³RQIA] all such facilities as are necessary for them to exercise their functions under this Order;
 - (e) to furnish to the High Court, the Office of Care and Protection, the Review Tribunal, [F³RQIA] and the Department such returns, reports and other information in relation to patients within his care as they may require for the exercise of their functions under this Order;

and any person who fails to comply with any requirement of this paragraph shall be guilty of an offence under this Part.

(2) It shall be the duty of the Department to ensure by regular inspection of any private hospital that that hospital is being properly carried on, and for the purpose of making an inspection in pursuance of this Article, any person authorised in that behalf by the Department may, after producing, if asked to do so, some duly authenticated document showing that he is so authorised, enter and inspect any premises which are used, or which he reasonably believes to be used, for the purposes of a private hospital.

(3) Any person authorised under paragraph (2) may interview any patient in private.

Annotations:

F3 Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), ss. 32, 34(3), [Sch. 6 para. 8\(1\)](#) (subject to [Sch. 6 para. 8\(2\)-\(4\)](#)); S.R. 2009/114, [art. 2](#)

Cancellation of registration

- 94.**—(1) The Department may at any time cancel a registration of a private hospital—
- (a) on any ground on which the Department might have refused to register that hospital; or
 - (b) on the ground that the person carrying on the hospital has been convicted of an offence under this Order.
- (2) On the cancellation of a registration, the person who is or was carrying on the hospital shall forthwith deliver up the certificate to the Department, and if that person fails to do so, the holder of the certificate shall be guilty of an offence under this Part.

(3) Where at the time of the cancellation of a registration any patient is liable to be detained on the premises concerned, the registration shall, notwithstanding the cancellation, continue in force until the expiration of a period of 28 days from the date of cancellation or until every such patient has ceased to be so liable, whichever first occurs.

Application of this Order to private hospitals

95. The Department may by regulations made subject to affirmative resolution apply to, or in relation to, private hospitals such of the provisions of this Order (other than this Part) as the Department may think fit, subject to such adaptations and modifications as appear to the Department to be necessary.

Offences under Part VII

96.—(1) Any person who carries on a private hospital which is not registered under this Part shall be guilty of an offence and liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine.

(2) Any person guilty of an offence under this Part (other than the offence mentioned in paragraph (1)) shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Mental Health (Northern Ireland) Order 1986. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Pt. 5 art. 71 applied by S.R. 2012/403 reg. 3(5)(a)(i)-(iv) 4
- Pt. 5 art. 72 applied by S.R. 2012/403 reg. 3(5)(b)(i) 4
- Pt. 5 art. 73 applied by S.R. 2012/403 reg. 3(5)(c)(i) 4
- Pt. 5 art. 77 applied by S.R. 2012/403 reg. 3(5)(d) 4
- Pt. 5 art. 81 applied by S.R. 2012/403 reg. 3(5)(e)(i) 4
- Pt. 5 art. 82 applied by S.R. 2012/403 reg. 3(5)(f) 4
- Pt. V art. 77 applied by S.R. 2013/22 reg. 3(5)(d) 4
- Pt. V art. 82 applied by S.R. 2013/22 reg. 3(5)(f) 4
- Pt. V art. 71 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(5)(a) 4
- Pt. V art. 72 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(5)(b) 4
- Pt. V art. 73 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(5)(c) 4
- Pt. V art. 81 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(5)(e) 4
- Pt. 10 art. 124 applied by S.R. 2012/403 reg. 3(8)(a)(i) 4
- Pt. X art. 124 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(8) 4
- Pt. 2 art. 4 applied by S.R. 2012/403 reg. 3(3)(a) 4
- Pt. 2 art. 5 applied by S.R. 2012/403 reg. 3(3)(b) 4
- Pt. 2 art. 6 applied by S.R. 2012/403 reg. 3(3)(c) 4
- Pt. 2 art. 7 applied by S.R. 2012/403 reg. 3(3)(d) 4
- Pt. 2 art. 8 applied by S.R. 2012/403 reg. 3(3)(e) 4
- Pt. 2 art. 9 applied by S.R. 2012/403 reg. 3(3)(f) 4
- Pt. 2 art. 10 applied by S.R. 2012/403 reg. 3(3)(g) 4
- Pt. 2 art. 11 applied by S.R. 2012/403 reg. 3(3)(h) 4
- Pt. 2 art. 12 applied by S.R. 2012/403 reg. 3(3)(i) 4
- Pt. 2 art. 13 applied by S.R. 2012/403 reg. 3(3)(j) 4
- Pt. 2 art. 14 applied by S.R. 2012/403 reg. 3(3)(k) 4
- Pt. 2 art. 15 applied by S.R. 2012/403 reg. 3(3)(l) 4
- Pt. 2 art. 16 applied by S.R. 2012/403 reg. 3(3)(m) 4
- Pt. 2 art. 17 applied by S.R. 2012/403 reg. 3(3)(n) 4
- Pt. 2 art. 27 applied by S.R. 2012/403 reg. 3(3)(o)-(x) 4
- Pt. 2 art. 28 applied by S.R. 2012/403 reg. 3(3)(y)(i)-(iii) 4
- Pt. 2 art. 29 applied by S.R. 2012/403 reg. 3(3)(z)(i)-(iii) 4
- Pt. 2 art. 30 applied by S.R. 2012/403 reg. 3(3)(aa)(i)-(iv) 4
- Pt. 2 art. 32 applied by S.R. 2012/403 reg. 3(3)(bb) 4
- Pt. 2 art. 33 applied by S.R. 2012/403 reg. 3(3)(cc) 4
- Pt. 2 art. 34 applied by S.R. 2012/403 reg. 3(3)(dd) 4
- Pt. 2 art. 35 applied by S.R. 2012/403 reg. 3(3)(ee)(i) 4
- Pt. 2 art. 36 applied by S.R. 2012/403 reg. 3(3)(ff)(i)reg. 3(3)(ff)(ii) 4
- Pt. 2 art. 37 applied by S.R. 2012/403 reg. 3(3)(gg) 4
- Pt. 2 art. 38 applied by S.R. 2012/403 reg. 3(3)(hh) 4
- Pt. 2 art. 39 applied by S.R. 2012/403 reg. 3(3)(ii) 4
- Pt. 2 art. 40 applied by S.R. 2012/403 reg. 3(3)(jj)(i)reg. 3(3)(jj)(ii) 4
- Pt. 2 art. 41 applied by S.R. 2012/403 reg. 3(3)(jj)(iii)reg. 3(3)(jj)(iv) 4
- Pt. II art. 4 applied by S.R. 2013/22 reg. 3(3)(a) 4
- Pt. II art. 5 applied by S.R. 2013/22 reg. 3(3)(b) 4
- Pt. II art. 6 applied by S.R. 2013/22 reg. 3(3)(c) 4
- Pt. II art. 7 applied by S.R. 2013/22 reg. 3(3)(d) 4
- Pt. II art. 8 applied by S.R. 2013/22 reg. 3(3)(e) 4
- Pt. II art. 9 applied by S.R. 2013/22 reg. 3(3)(f) 4

- Pt. II art. 10 applied by S.R. 2013/22 reg. 3(3)(g) 4
- Pt. II art. 11 applied by S.R. 2013/22 reg. 3(3)(h) 4
- Pt. II art. 12 applied by S.R. 2013/22 reg. 3(3)(i) 4
- Pt. II art. 13 applied by S.R. 2013/22 reg. 3(3)(j) 4
- Pt. II art. 14 applied by S.R. 2013/22 reg. 3(3)(k) 4
- Pt. II art. 15 applied by S.R. 2013/22 reg. 3(3)(l) 4
- Pt. II art. 16 applied by S.R. 2013/22 reg. 3(3)(m) 4
- Pt. II art. 17 applied by S.R. 2013/22 reg. 3(3)(n) 4
- Pt. II art. 27 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(3)(o) 4
- Pt. IX art. 116 applied by S.R. 2013/22 reg. 3(7)(b) 4
- Pt. IX art. 117 applied by S.R. 2013/22 reg. 3(7)(c) 4
- Pt. IX art. 113 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(7)(a) 4
- Pt. IX art. 118 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(7)(d) 4
- Pt. 6 art. 86 applied by S.R. 2012/403 reg. 3(6)(a)(i)reg. 3(6)(a)(ii) 4
- Pt. VI art. 86 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(6) 4
- Pt. 11 art. 134 applied by S.R. 2012/403 reg. 3(9)(a)(i)-(vi) 4
- Pt. XI art. 134 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(9) 4
- Pt. 00I applied by S.R. 2013/22 reg. 3(2) 4
- Pt. 9 art. 113 applied by S.R. 2012/403 reg. 3(7)(a)(i) 4
- Pt. 9 art. 116 applied by S.R. 2012/403 reg. 3(7)(b) 4
- Pt. 9 art. 117 applied by S.R. 2012/403 reg. 3(7)(c) 4
- Pt. 9 art. 118 applied by S.R. 2012/403 reg. 3(7)(d)(i) 4
- Sch. 3 para. 7 inserted by 2016 c. 18 (N.I.) Sch. 8 para. 5
- art. 3A-3D and cross-heading inserted by 2016 c. 18 (N.I.) Sch. 8 para. 4
- art. 14A inserted by 2016 c. 18 (N.I.) Sch. 8 para. 10
- art. 36(2)(za) inserted by 2016 c. 18 (N.I.) Sch. 8 para. 22(3)
- art. 36(3)(e) and word inserted by 2016 c. 18 (N.I.) Sch. 8 para. 22(4)(d)
- art. 37(1)(za) inserted by 2016 c. 18 (N.I.) Sch. 8 para. 23(2)(a)
- art. 37(1A) inserted by 2016 c. 18 (N.I.) Sch. 8 para. 23(3)
- art. 63A 63B inserted by 2016 c. 18 (N.I.) Sch. 8 para. 31
- art. 67(2A) inserted by 2016 c. 18 (N.I.) Sch. 8 para. 35(4)
- art. 83(4A) inserted by 2016 c. 18 (N.I.) Sch. 8 para. 48(4)
- art. 83(9) inserted by 2016 c. 18 (N.I.) Sch. 8 para. 48(6)
- art. 120(4) inserted by 2016 c. 18 (N.I.) Sch. 8 para. 59(4)
- art. 133(2A) inserted by 2016 c. 18 (N.I.) Sch. 8 para. 68(4)

Commencement Orders yet to be applied to the The Mental Health (Northern Ireland) Order 1986

Commencement Orders bringing legislation that affects this Order into force:

- S.R. 2016/387 art. 2 commences (2015 c. 9 (N.I.))