



# Disabled Persons (Northern Ireland) Act 1989

## 1989 CHAPTER 10

PROSPECTIVE

### **2 Rights of authorised representatives of disabled persons.**

- (1) A [<sup>F1</sup>relevant authority] shall permit the authorised representative of a disabled person, if requested by the disabled person—
  - (a) to act as the representative of the disabled person in connection with the provision of any personal social services for him, or
  - (b) to accompany the disabled person (otherwise than as his representative) to any meeting or interview held by or on behalf of the [<sup>F1</sup>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 [<sup>F1</sup>relevant authority] shall, if requested by the disabled person—
  - (a) supply to the authorised representative any information, and
  - (b) make available for his inspection any documents,that the disabled person would be entitled to require the [<sup>F1</sup>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—
  - (a) 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
  - (b) 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 [<sup>F1</sup>relevant authority] shall not be required by virtue of subsection (1) or (2)—

*Status: This version of this provision is prospective.*

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- (a) to permit an authorised representative to be present at any meeting or interview or part of a meeting or interview, or
- (b) to supply any information to an authorised representative or to make any documents available for the inspection of an authorised representative,
- if the <sup>F1</sup>[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 <sup>F1</sup>[relevant authority] shall have regard to any wishes expressed by the disabled person.
- (5) Where a disabled person is residing—
- (a) in hospital but not in special accommodation, or
- (b) in residential accommodation provided under <sup>F2</sup>[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
- <sup>F3</sup>(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]
- <sup>F4</sup>(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]
- <sup>F5</sup>(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 <sup>F6</sup>[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 <sup>F7</sup>[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.

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### Textual Amendments

- F1** Words in s. 2 substituted (1.4.1994) by S.I. 1994/429 (N.I. 2), arts. 1(3), 7(1), **Sch. 1**
- F2** 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
- F3** 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)
- F4** 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)**
- F5** 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**
- F6** Words in s. 2(6) inserted (1.4.1994) by S.I. 1994/429 (N.I. 2), arts. 1(3), 7(1), **Sch. 1**
- F7** 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)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the *Disabled Persons (Northern Ireland) Act 1989*, Section 2.