

SCHEDULES

SCHEDULE 21

NUISANCE OR DISTURBANCE ON HSS PREMISES

Guidance about the power to remove etc.

- 3 (1) The Department of Health, Social Services and Public Safety may from time to time prepare and publish guidance to HSS trusts and authorised officers about the powers in paragraph 2.
- (2) Such guidance may, in particular, relate to—
- (a) the authorisation by HSS trusts of authorised officers,
 - (b) the authorisation by authorised officers of HSS staff members to remove persons under paragraph 2,
 - (c) training requirements for authorised officers and HSS staff members authorised by them to remove persons under paragraph 2,
 - (d) matters that may be relevant to a consideration by authorised officers for the purposes of paragraph 2 of whether offences are being, or have been, committed under paragraph 1,
 - (e) matters to be taken into account by authorised officers in deciding whether there is reason to believe that a person requires medical advice, treatment or care for himself or herself or that the removal of a person would endanger the person’s physical or mental health,
 - (f) the procedure to be followed by authorised officers or persons authorised by them before using the power of removal in paragraph 2,
 - (g) the degree of force that it may be appropriate for authorised officers or persons authorised by them to use in particular circumstances,
 - (h) arrangements for ensuring that persons on HSS premises are aware of the offence in paragraph 1 and the powers of removal in paragraph 2, or
 - (i) the keeping of records.
- (3) Before publishing guidance under this paragraph, the Department of Health, Social Services and Public Safety must consult such persons as the Department considers appropriate.
- (4) An HSS trust and an authorised officer must have regard to any guidance published under this paragraph when exercising functions under, or in connection with, paragraph 2.
- (5) In this paragraph—
- “authorised officer” has the same meaning as in paragraph 2, and
 - “HSS premises”, “HSS staff member” and “HSS trust” have the same meaning as in paragraph 1.