

SCHEDULES

SCHEDULE 1

ADDITIONAL REQUIREMENTS IN PROBATION ORDERS

Requirements as to treatment for mental condition etc.

4.—(1) This paragraph applies where a court proposing to make a probation order is satisfied on the oral or written evidence of a registered medical practitioner appointed by the Mental Health Commission for Northern Ireland for the purposes of Part II of the Mental Health (Northern Ireland) Order 1986, that the mental condition of the offender—

- (a) is such as requires and may be susceptible to treatment; but
- (b) is not such as to warrant his detention in pursuance of a hospital order under Part III of that Order.

(2) The probation order may include a requirement that the offender shall submit during the whole of the probation period or during such part of that period as may be specified in the order, to treatment by or under the direction of a registered medical practitioner with a view to the improvement of the offender's mental condition.

(3) The treatment required by any such order shall be such one of the following kinds of treatment as may be specified in the order, that is to say —

- (a) treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the order, being a hospital within the meaning of the Mental Health (Northern Ireland) Order 1986 approved by the Department of Health and Social Services for the purposes of this paragraph; or
- (b) treatment by or under the direction of such registered medical practitioner as may be so specified;

but the nature of the treatment shall not be specified in the order except as mentioned in paragraph (a) or (b).

(4) A court shall not by virtue of this paragraph include in a probation order a requirement that the offender shall submit to treatment for his mental condition unless it is satisfied that arrangements have been made for the treatment intended to be specified in the order (including arrangements for the reception of the offender where he is to be required to submit to treatment as an in-patient).

(5) While the offender is under treatment as an in-patient in pursuance of a requirement of the probation order, the probation officer responsible for his supervision shall carry out the supervision to such extent only as may be necessary for the purpose of the revocation or amendment of the order.

(6) Where the medical practitioner by whom or under whose direction an offender is being treated for his mental condition in pursuance of a probation order is of the opinion that part of the treatment can be better or more conveniently given in or at a hospital or place which—

- (a) is not specified in the order; and
- (b) is one in or at which the treatment of the offender will be given by or under the direction of a registered medical practitioner,

he may, with the consent of the offender, make arrangements for him to be treated accordingly.

Status: This is the original version (as it was originally made).

(7) Such arrangements as are mentioned in sub-paragraph (6) may provide for the offender to receive part of his treatment as an in-patient in a hospital or place notwithstanding that the hospital or place is not one which could have been specified for that purpose in the probation order.

(8) Where any such arrangements as are mentioned in sub-paragraph (6) are made for the treatment of an offender—

- (a) the medical practitioner by whom the arrangements are made shall give notice in writing to the probation officer responsible for the supervision of the offender, specifying the hospital or place in or at which the treatment is to be carried out; and
- (b) the treatment provided for by the arrangements shall be deemed to be treatment to which he is required to submit in pursuance of the probation order.

(9) Article 60 of the Mental Health (Northern Ireland) Order 1986 (written medical reports as evidence) shall apply for the purposes of this paragraph as it applies for the purposes of Part III of the Order.