

## SCHEDULES

### SCHEDULE 21

Section 122

#### NUISANCE OR DISTURBANCE ON HSS PREMISES

##### *Offence of causing nuisance or disturbance on HSS premises*

- 1 (1) A person commits an offence if—
- (a) the person causes, without reasonable excuse and while on HSS premises, a nuisance or disturbance to an HSS staff member who is working there or is otherwise there in connection with work,
  - (b) the person refuses, without reasonable excuse, to leave the HSS premises when asked to do so by a constable or an HSS staff member, and
  - (c) the person is not on the HSS premises for the purpose of obtaining medical advice, treatment or care for himself or herself.
- (2) A person who commits an offence under this paragraph is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) For the purposes of this paragraph—
- (a) a person ceases to be on HSS premises for the purpose of obtaining medical advice, treatment or care for himself or herself once the person has received the advice, treatment or care, and
  - (b) a person is not on HSS premises for the purpose of obtaining medical advice, treatment or care for himself or herself if the person has been refused the advice, treatment or care during the last 8 hours.
- (4) In this paragraph—
- “hospital grounds” means land in the vicinity of a hospital and associated with it,
- “HSS premises” means—
- (a) any hospital vested in, or managed by, an HSS trust,
  - (b) any building or other structure, or vehicle, associated with the hospital and situated on hospital grounds (whether or not vested in, or managed by, an HSS trust), and
  - (c) the hospital grounds,
- “HSS staff member” means a person employed by an HSS trust or otherwise working for it (whether as or on behalf of a contractor, as a volunteer or otherwise),
- “HSS trust” means a Health and Social Services trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 (S.I. 1991/194 (N.I. 1)), and
- “vehicle” includes an air ambulance.

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*Status: This is the original version (as it was originally enacted).*

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*Power to remove person causing nuisance or disturbance*

- 2
- (1) If a constable reasonably suspects that a person is committing or has committed an offence under paragraph 1, the constable may remove the person from the HSS premises concerned.
  - (2) If an authorised officer reasonably suspects that a person is committing or has committed an offence under paragraph 1, the authorised officer may—
    - (a) remove the person from the HSS premises concerned, or
    - (b) authorise an HSS staff member to do so.
  - (3) Any person removing another person from HSS premises under this paragraph may use reasonable force (if necessary).
  - (4) An authorised officer cannot remove a person under this paragraph or authorise another person to do so if the authorised officer has reason to believe that—
    - (a) the person to be removed requires medical advice, treatment or care for himself or herself, or
    - (b) the removal of the person would endanger the person’s physical or mental health.
  - (5) In this paragraph—

“authorised officer” means any HSS staff member authorised by an HSS trust to exercise the powers conferred on an authorised officer by this paragraph, and

“HSS premises”, “HSS staff member” and “HSS trust” have the same meaning as in paragraph 1.

*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

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- (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.