

# **Pandemic Influenza (Emergency) Northern Ireland provisions**

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## **CONTENTS**

### *Healthcare etc*

1. Emergency registration of and extension of prescribing powers for pharmaceutical chemists in Northern Ireland
2. Temporary modifications to the Mental Health (Northern Ireland) Order 1986
3. Temporary modifications to the Mental Capacity Act (Northern Ireland) 2016
4. Indemnity for pandemic-related health service activity in Northern Ireland

### *Information regarding deaths and still-births*

5. Registration of deaths and still-births: Northern Ireland
6. Modifications of requirements regarding medical certificates for cremations
7. Deaths in custody from natural illness

### *Schools etc.*

8. Power to direct closure of schools etc in Northern Ireland
9. Restriction of access to childcare providers in Northern Ireland

### *Detention*

10. Early release from imprisonment or detention

## **SCHEDULES:**

- |            |   |
|------------|---|
| Schedule 1 | Emergency registration of pharmaceutical chemists and extension of prescribing powers: Northern Ireland |
| Schedule 2 | Mental Health: Northern Ireland   |
| Part 1     | Introductory provision etc  |
| Part 2     | Modifications to the Mental Health (Northern Ireland) Order 1986 during the emergency period            |
| Part 3     | After the emergency period: transitional provision  |
| Part 4     | After the emergency period: review of operation of certain provisions of this Schedule                  |
| Schedule 3 | Mental Capacity: Northern Ireland   |
| Part 1     | Introductory provision etc  |
| Part 2     | Modifications to the Mental Capacity Act (Northern Ireland) 2016 during the Emergency Period            |
| Part 3     | After the Emergency Period: transitional provision  |
| Part 4     | After the emergency period: review of operation of certain provisions of this Schedule                  |
| Schedule 4 | Registration of deaths and still-births: Northern Ireland   |



A

# BILL

TO

**B**E IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

*Healthcare etc*

**Emergency registration of and extension of prescribing powers for pharmaceutical chemists in Northern Ireland**

- 5     **1.** Schedule 1 contains modifications to the Pharmacy (Northern Ireland) Order 1976 in relation to registration of pharmaceutical chemists in Northern Ireland and extension of prescribing powers during the emergency period.

**Temporary modifications to the Mental Health (Northern Ireland) Order 1986**

- 10    **2.** Schedule 2 contains temporary modifications to the Mental Health (Northern Ireland) Order 1986 that relate to the emergency period.

**Temporary modifications to the Mental Capacity Act (Northern Ireland) 2016**

- 3.** Schedule 3 contains temporary modifications to the Mental Capacity Act (Northern Ireland) 2016 that relate to the emergency period.

**Indemnity for pandemic-related health service activity in Northern Ireland**

- 15    **4.**—(1) The Department of Health may—  
      (a) indemnify a person in respect of a qualifying liability incurred by the person, or  
      (b) make arrangements for a person to be indemnified, in respect of a qualifying liability by the person, by a person authorised by the  
20       Department of Health.

### *Pandemic Influenza (Emergency) NI provisions*

(2) References in this section to a qualifying liability are to a liability in tort, in respect of or consequent on death, personal injury or loss, arising out of or in connection with a breach of a duty of care owed to a person in connection with the provision of a relevant pandemic service during the emergency period.

5 (3) “Relevant pandemic service” means a service, provided as part of the health service in Northern Ireland, relating to—

- (a) diagnosing whether a person has pandemic influenza, or
- (b) caring for or treating a person with pandemic influenza.

(4) In a case within subsection (1)(a), any question relating to—

- 10 (a) whether a person has incurred a qualifying liability, or  
(b) the amount of any payment by virtue of subsection (1),

is to be determined by the Department of Health.

(5) In a case within subsection (1)(b) —

- 15 (a) any question relating to whether a person has incurred a qualifying liability is to be determined by the authorised person,  
(b) any question relating to the amount of any payment by virtue of subsection (1) is to be determined by the authorised person in accordance with the arrangements.

20 (6) Subsection (1) does not apply where arrangements are already in place (whether under an insurance policy or otherwise) for the person to be indemnified in respect of the liability.

### *Information regarding deaths and still-births*

#### **Registration of deaths and still-births: Northern Ireland**

25 **5.** Schedule 4 modifies legislation relating to the registration of deaths and still-births in Northern Ireland.

#### **Modifications of requirements regarding medical certificates for cremations**

**6.—**(1) In relation to the death of a person that occurs during the emergency period, the Cremation (Belfast) Regulations (Northern Ireland) 1961 have effect with the following modifications.

30 (2) Regulation 10 (conditions to be met for cremations) has effect as if for paragraph (a) there were substituted—

“(a) a certificate in Form B in the Schedule has been given by a registered medical practitioner who can certify definitely as to the cause of death; or”.

35 (3) Regulation 12 (Medical Referee’s power to give certificates in Forms C and D) has effect as if the words “if he has personally investigated the cause of death to give a certificate in Form C, and” were omitted.

(4) In regulation 13 (duties of the Medical Referee)—

- 40 (a) paragraph (e) has effect as if the reference to “the medical certificates” did not include the confirmatory medical certificate (Form C);  
(b) paragraph (f) has effect as if—

*Pandemic Influenza (Emergency) NI provisions*

(i) the words “for which he had been seen and treated by a registered medical practitioner within twenty-eight days prior to his death” were omitted;

5 (ii) the reference to “the certificates” did not include the confirmatory medical certificate (Form C).

(5) Form A in the Schedule (application for cremation) has effect as if, at question 8(e), the words “for which he or she had been seen and treated by a registered medical practitioner within twenty-eight days prior to death” were omitted.

10 (6) Form B in the Schedule (certificate by registered medical practitioner) has effect as if—

(a) in the paragraph above question 1, the words “attended the deceased during his or her last illness and within twenty-eight days before death, and” were omitted;

15 (b) in question 7, at the beginning there were inserted “If you saw the deceased alive,”;

(c) in question 16(e), the words “for which he or she had been seen and treated by a registered medical practitioner within twenty-eight days prior to death” were omitted;

20 (d) in the certification after question 20, the words “for which he had been seen and treated by me within twenty-eight days prior to death” were omitted;

25 (e) in the Note at the end, for “the medical practitioner who is to give the confirmatory medical certificate on Form C” there were substituted “the Medical Referee”.

(7) The end of the emergency period does not affect the continuing validity or effect of anything done during that period in reliance on a provision of this section.

**Deaths in custody from natural illness**

7.—(1) Subsection (2) applies if—

30 (a) an inquest is required to be held in pursuance of section 39(2) of the 1953 Act (death of a prisoner),

(b) it appears to the coroner that the death—

(i) occurred during the emergency period, and

(ii) was caused by natural illness, and

35 (c) the inquest opens—

(i) during the emergency period, or

(ii) within a period of 6 months beginning with the day on which the emergency period ends.

40 (2) The coroner need not comply with the requirement in section 18(1) of the 1959 Act; and, accordingly, the coroner may proceed to hold or continue to hold the inquest without a jury.

(3) But if in any case to which subsection (2) applies it appears to the coroner, either before or in the course of an inquest begun without a jury, that it is desirable

*Pandemic Influenza (Emergency) NI provisions*

to summon a jury, the coroner may proceed to cause a jury to be summoned as if it were being summoned in accordance with section 18(1) of the 1959 Act.

(4) Section 13(2) of the 1959 Act has effect in relation to an inquest held without a jury in reliance on subsection (2) as if for from “Where more than” to  
5 “all the deaths so resulting” there were substituted “Where more than one inquest is required to be held in pursuance of section 39(2) of the 1953 Act and it appears to the coroner that all of the deaths were caused by natural illness and that one inquest ought to be held into them all,”.

(5) The end of the emergency period does not affect the continuing validity or  
10 effect of anything done during that period in reliance on a provision of this section.

(6) In this section—

“the 1953 Act” means the Prison Act (Northern Ireland) 1953;

“the 1959 Act” means the Coroners Act (Northern Ireland) 1959.

*Schools etc.*

15 **Power to direct closure of schools etc in Northern Ireland**

**8.**—(1) During the emergency period, the Department may give a direction under this section (a “temporary closure direction”) that applies to—

- (a) one or more named schools in Northern Ireland;
- (b) all schools in Northern Ireland (or any part of Northern Ireland);
- 20 (c) schools in Northern Ireland (or any part of Northern Ireland) of a particular description.

(2) A temporary closure direction under this section is a direction that—

- (a) requires the managers of the school or schools to which it applies to take reasonable steps to secure that persons do not, for a specified period,  
25 attend premises of the school for purposes connected with the school;
- (b) in the case of a direction that applies to a boarding school (whether or not it applies also to other schools), provides for pupils for whom boarding accommodation is provided to be confined in their boarding accommodation for a specified period.

30 (3) A temporary closure direction under this section may—

- (a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the Department considers reasonable;
- (b) relate to attendance of persons generally, or to attendance by specified persons;
- 35 (c) relate to premises generally, or to specified premises or parts of premises;
- (d) relate to attendance for purposes connected with a school generally, or to attendance for specified purposes;
- (e) otherwise make different provision for different purposes, or be framed by reference to whatever matters the Department considers appropriate;
- 40 (f) include such other provision as the Department considers appropriate in connection with the giving of the direction.

(4) The Department must publish a temporary closure direction under this section.

*Pandemic Influenza (Emergency) NI provisions*

(5) A temporary closure direction under this section has effect until the earlier of—

(a) the end of the period specified in subsection (2), or

(b) the revocation of the direction by a further direction given by the Department under this section.

(6) The managers of a school to which a temporary direction under this section applies must have regard to any guidance given by the Department about how to comply with a temporary closure direction under this section.

(7) A failure by the managers of a school to comply with a temporary closure direction under this section is enforceable, on an application made by the Department, by an injunction.

(8) An application under subsection (7) may be made without notice being given to the managers of the school.

(9) Where a direction under this section applies to a school—

(a) the duty under Article 45(1) of the 1986 Order (duty of parents to secure full-time education of children of compulsory school age by attendance at school or otherwise) does not apply;

(b) the duties under Articles 58 and 59 of the 1986 Order (duties of managers of grant-maintained integrated schools in relation to provision of milk, meals and related facilities) do not apply;

(c) the duty under paragraph 1(4) of Schedule 13 to the 1986 Order (duty of managers of grant-aided school to admit child in accordance with attendance order) does not apply;

(d) the duty under paragraph 3(1) of Schedule 13 to the 1986 Order (duty of parent of registered pupil to secure pupil's regular attendance at school of registration) does not apply;

(e) the duty under Article 86 of the Education (Northern Ireland) Order 1998 (duty of Education Authority to make arrangements for exceptional provision of education) does not apply.

(10) For the purposes of Article 45(2) of, and paragraphs 1 and 4 of Schedule 13 to, the 1986 Order, a child cannot be taken to have failed to attend regularly at a school during a period when a direction under this section applies to the school.

(11) In this section—

“the 1986 Order” means the Education and Libraries (Northern Ireland) Order 1986;

“child”, “managers” and “school” have the meaning given in the 1986 Order;

“the Department” means the Department of Education in Northern Ireland;

“specified” means specified in a temporary closure direction under this section, or falling within a description specified in a temporary closure direction under this section.

**Restriction of access to childcare providers in Northern Ireland**

9.—(1) During the emergency period, the Department may give a direction under this section (“a temporary closure direction”) that applies to—

*Pandemic Influenza (Emergency) NI provisions*

- (a) one or more named persons registered under Article 118 of the 1995 Order (child minders and those who provide day care);
- (b) all persons registered under that Article in Northern Ireland (or any part of Northern Ireland);
- 5 (c) persons registered under that Article of a particular description in Northern Ireland (or any part of Northern Ireland).

(2) A temporary closure direction under this section is a direction that requires any person to whom it applies to take reasonable steps to secure that persons do not, for a specified period, attend the premises with respect to which the person is  
10 registered, for purposes connected with the provision of child minding or day care.

(3) A temporary closure direction under this section may—

- (a) require the taking of reasonable steps in general terms, or require the taking of particular steps that the Department considers reasonable;
- 15 (b) relate to attendance of persons generally, or to attendance by specified persons;
- (c) relate to premises generally, or to specified premises or parts of premises;
- (d) relate to attendance for purposes connected with the provision of day care or child minding generally, or to attendance for specified purposes;
- 20 (e) otherwise make different provision for different purposes, or be framed by reference to whatever matters the Department considers appropriate;
- (f) include such other provision as the Department considers appropriate in connection with the giving of the direction.

(4) The Department must publish a temporary closure direction under this section.

25 (5) A temporary closure direction under this section has effect until the earlier of—

- (a) the end of the period specified in subsection (2), or
- (b) the revocation of the direction by a further direction given by the Department under this section.

30 (6) A person registered under Article 118 of the 1995 Order must have regard to any guidance given by the Department about how to comply with a temporary closure direction under this section.

35 (7) A failure by a person registered under Article 118 of the 1995 Order to comply with a temporary closure direction under this section is enforceable, on an application made by the Department, by an injunction.

(8) An application under subsection (7) may be made without notice being given to the registered person.

40 (9) Any failure by an authority to discharge the duty imposed on it under Article 19(2) or (5) of the 1995 Order (duties to provide care or supervised activities for children in need) is to be disregarded to the extent that the failure is attributable to a temporary closure direction under this section.

(10) In this section—

“the 1995 Order” means the Children (Northern Ireland) Order 1995;



*Pandemic Influenza (Emergency) NI provisions*

“authority”, “child minding” and “day care” have the same meaning as in the 1995 Order;

“the Department” means the Department of Health in Northern Ireland;

5 “specified” means specified in a temporary closure direction under this section, or falling within a description specified in a temporary closure direction under this section.

*Detention*

**Early release from imprisonment or detention**

10 **10.**—(1) During the emergency period, the Department of Justice [in Northern Ireland] may direct that persons serving a relevant fixed-term sentence are to be released from imprisonment or detention if—

- (a) they are persons who fall within a description specified in the direction, or
- (b) they are particular persons who are identified in the direction.

15 (2) For the purposes of this section, a person is serving a relevant fixed-term sentence if the person is—

- (a) a fixed-term prisoner in relation to whom the duty under Article 17 of CJO 2008 (release on licence) will apply when the prisoner has served the requisite custodial period for the purposes of that Article,
- 20 (b) a fixed-term prisoner recalled to prison under Article 28 or 30 of CJO 2008 having previously been released on licence under Article 17 or 19 of that Order,
- (c) detained in pursuance of a juvenile justice centre order under Article 39 of CJCO 1998,
- 25 (d) detained in a juvenile justice centre in pursuance of an order under Article 41(2)(b)(i) of CJCO 1998 (detention for breach of supervision requirements under juvenile justice centre order) having been released previously in accordance with Article 39(5) of that Order (whether or not as modified by Article 44(2)(b)),
- (e) imprisoned or detained in default of payment of—
- 30 (i) a sum adjudged to be paid by, or imposed on, the person’s conviction of an offence, or
- (ii) a sum treated for the purposes of any statutory provision as if it were a sum so adjudged or imposed, or
- (f) imprisoned or detained for contempt of court.

35 (3) A description under subsection (1)(a) may be framed by reference to whatever matters the Department of Justice considers appropriate.

(4) Where a person within subsection (2)(a) or (b) (referred to in this subsection as “P”) is released as a result of a direction given under this section—

- 40 (a) P is to be treated as having been released on licence under Article 17 of CJO 2008, and
- (b) the provisions of Chapter 4 of Part 2 of CJO 2008 applicable in relation to a person’s release on licence under Article 17 apply accordingly in relation to P’s release.

*Pandemic Influenza (Emergency) NI provisions*

(5) Where a person within subsection (2)(c) or (d) (referred to in this subsection as “P”) is the subject of a direction given under this section—

- 5 (a) the managers of the juvenile justice centre where P is detained when the direction is given must give P a notice specifying the matters referred to in Article 40(2)(a)(i) and (ii) of CJCO 1998,
- (b) the person under whose supervision P will be must give P a notice specifying the matters referred to in Article 40(2)(b)(i) and (ii) of that Order, and
- 10 (c) the remainder of the period of the juvenile justice centre order to which P is subject beginning with the day on which P is released is to be treated, for the purposes of the provisions of CJCO 1998 applicable to juvenile justice centre orders, as the period of supervision under the order.

(6) Where a person within subsection (2)(e) or (f) is released as a result of a direction given under this section, the person is to be treated as having been  
15 discharged.

(7) The Department of Justice must publish a direction given under this section.

(8) In this section—

- “CJCO 1998” means the Criminal Justice (Children) (Northern Ireland) Order 1998;
- 20 “CJO 2008” means the Criminal Justice (Northern Ireland) Order 2008;
- “fixed-term prisoner” has the same meaning as in Chapter 4 of Part 2 of CJO 2008 (see Article 16(1) of that Order);
- “statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

SCHEDULES

SCHEDULE 1

Section 1

EMERGENCY REGISTRATION OF PHARMACEUTICAL CHEMISTS AND  
EXTENSION OF PRESCRIBING POWERS: NORTHERN IRELAND

*Interpretation*

1.—(1) In this Schedule “the 1976 Order” means the Pharmacy (Northern Ireland) Order 1976.

(2) In this Schedule references to Articles are to Articles of the 1976 Order.

(3) Expressions used in this Schedule and in the 1976 Order have the meaning given in that Order.

*Emergency registration of pharmaceutical chemists*

2. During the emergency period, the 1976 Order has effect as if it were subject to the following modifications.

3. After Article 8D insert—

**“Temporary registration in the register of pharmaceutical chemists in certain emergencies**

**8E.**—(1) The registrar may register a person, or the persons comprising a specified group of persons, in the register of pharmaceutical chemists if the conditions set out in paragraph (2) are satisfied.

(2) The conditions are that—

(a) the Department has advised the registrar that an emergency has occurred, is occurring or is about to occur and that the registrar should consider acting under this Article; and

(b) the registrar considers that the emergency registration requirement is met in relation to the person or group of persons.

(3) The emergency registration requirement is met—

(a) in relation to a person, if the person is a fit, proper and suitably experienced person to be registered as a pharmaceutical chemist with regard to the emergency;

(b) in relation to a group of persons, if the group is comprised of persons who are of a type who may reasonably be considered fit, proper and suitably experienced persons to be registered as pharmaceutical chemists with regard to the emergency.

(4) The registrar may register all of the persons comprising a specified group of persons without first identifying each person in the group.

(5) A person's registration under this Article has effect subject to any conditions imposed by the registrar; and the registrar may at any time vary or revoke such a condition or add new conditions.

5 (6) Where a person is registered under this Article as a member of a specified group, the person's registration may (but need not) be subject to the same conditions as the registration of other members of the group.

(7) The registration of a person under this Article ceases to have effect if revoked by the registrar; and the registrar—

10 (a) must revoke the registration if the Department advises the registrar that the circumstances that led the Department to give the advice referred to in paragraph (2)(a) no longer exist;

(b) may at any time revoke the registration for any other reason, including where the registrar has grounds for suspecting that the person's fitness to practise may be impaired.

15 (8) A person's registration as a member of a specified group may be revoked—

(a) without revoking the registration of the other members of the group; or

20 (b) as a result of a decision to revoke the registration of all the members of the group.

(9) Regulations made under Article 5 with respect to the following matters do not apply to persons registered under this Article—

25 (a) paragraph (1)(b) (examinations and qualifications for registration);  
(b) paragraph (1)(bb), in so far as it refers to the necessary knowledge of English;

(c) paragraph (1)(e) (fees);

(d) paragraphs (1)(f), (ffg) and (g) (qualifications etc in relation to registration); and

30 (e) such other matters as the Council may by regulations provide; but this is subject to paragraph (11).

(10) The following provisions of this Order do not apply to persons registered under this Article—

(a) Article 4A (continuing professional development);

(b) Articles 7, 8 and 8AA (provisions relating to registration);

35 (c) Article 11(1) (evidence of qualification required for registration);

(d) Article 15 (retention fees);

(e) Article 20 and Schedule 3 (fitness to practise) other than paragraphs 1 to 3; and

40 (f) such other provisions as the Council may by regulations provide; but this is subject to paragraph (11).

(11) The Council may make regulations that provide that the following apply to persons registered under this Article—

(a) regulations with respect to any of the matters referred to in paragraph (9)(a) to (e); and

(b) any of the provisions of this Order referred to in paragraph (10)(a) to (f).

(12) If a person breaches any condition to which the person's registration under this Article is subject, anything done by that person in breach of the condition is to be treated as not being done by a registered pharmaceutical chemist.

(13) The registrar may make available information to assist with the identification of persons registered under this Article in such manner as the registrar sees fit.

(14) In this Article—

“emergency” means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004 (meaning of “emergency”), read with subsection (2)(a) and (b) of that section;

“specified” means specified in a direction given by the registrar or by a person authorised by the registrar.”.

4. In Article 9(2) (maintenance of the register), at the end add “or in the case of the register mentioned in Article 6(1)(a) registered by virtue of Article 8E”.

5. At the end of Article 9 (the registrar and registers) add—

“(6) The registrar may record an annotation against the name of a registered person denoting that the person is registered under Article 8E.”.

*Emergency extension of prescribing powers for pharmaceutical chemists*

6. After Article 9 insert—

**“Temporary extension of prescribing powers in certain emergencies**

**9A.**—(1) In the register mentioned in Article 6(1)(a), the registrar may record an annotation under paragraph (2) against—

(a) the name of a registered person; or

(b) the names of the persons comprising a specified group of registered persons,

if the conditions set out in paragraph (3) are satisfied.

(2) An annotation under this paragraph indicates that the person is qualified to order drugs, medicines and appliances in a specified capacity, notwithstanding that the person would not (but for this Article) be so qualified.

(3) The conditions are that—

(a) the Department has advised the registrar that an emergency has occurred, is occurring or is about to occur and that the registrar should consider acting under this Article; and

(b) the registrar considers that the emergency annotation requirement is met in relation to the person or group of persons.

(4) The emergency annotation requirement is met—

(a) in relation to a registered person, if the person is a fit, proper and suitably experienced person to order drugs, medicines and

appliances in a specified capacity with regard to the emergency;  
and

- 5 (b) in relation to a group of registered persons, if the group is comprised of persons who may reasonably be considered fit, proper and suitably experienced persons to order drugs, medicines and appliances in a specified capacity with regard to the emergency.

10 (5) The registrar may record the annotation in such a way as to distinguish between annotations recorded by virtue of this Article and other annotations.

(6) Annotations recorded by virtue of this Article—

- 15 (a) must be removed by the registrar if the Department advises the registrar that the circumstances that led the Department to give the advice referred to in paragraph (3)(a) no longer exist;  
(b) may at any time be removed by the registrar for any other reason including where the registrar has grounds for suspecting that the person's fitness to order drugs, medicines and appliances may be impaired.

20 (7) An annotation recorded against the name of a person in the register as a member of a specified group may be removed—

- (a) without the removal by the registrar of the annotations recorded against the names in the register of the other members of the group; or  
25 (b) by virtue of a decision by the registrar to remove the annotations recorded against the names in the register of all the members of the group.

(8) Regulations made under Article 5 with respect to the following matters do not apply to persons with an annotated entry—

- 30 (a) paragraph (1)(e) (fees);  
(b) paragraph (1)(ff) (annotations of the register); and  
(c) such other matters as the Council may by regulations provide; but this is subject to paragraph (10).

(9) The following provisions of this Order do not apply to persons with an annotated entry—

- 35 (a) Article 4A (continuing professional development);  
(b) Article 8 (qualifications for registration); and  
(c) such other provisions as the Council may by regulations provide; but this is subject to paragraph (10).

40 (10) The Council may make regulations that provide that the following apply to persons with an annotated entry—

- (a) regulations with respect to any of the matters referred to in paragraph (8)(a) to (c); and  
(b) any of the provisions of this Order referred to in paragraph (9)(a) to (c).

(11) In this Article—

“emergency” means an emergency of the kind described in section 19(1)(a) of the Civil Contingencies Act 2004 (meaning of “emergency”), read with subsection (2)(a) and (b) of that section;

5 “person with an annotated entry” means a person who has an annotation under paragraph (2) against their name in the register; and

“specified” means specified in a direction given by the registrar or by a person authorised by the registrar.”.

10 *Appeals*

7. In Article 11, after paragraph (2) add—

“(3) No appeal lies to the Council against a decision of the registrar—

- (a) to register or refuse to register a person under Article 8E;
- 15 (b) to register or refuse to register under that Article the persons comprising a group of persons;
- (c) to impose, vary or revoke a condition as respects the registration of a person, or the persons comprising a group of persons, under Article 8E(5);
- 20 (d) to revoke a person’s registration under that Article (and, in the case of a member of a group, it does not matter whether the registrar also decides to revoke the registration of any or all of the other members of the group);
- (e) to record or refuse to record an annotation under Article 9A(2) against the name of a registered person, or the names of the
- 25 persons comprising a group of registered persons;
- (f) to remove an annotation under that Article (and, in the case of a member of a group, it does not matter whether the registrar also decides to remove the annotation of any or all of the other members of the group).”.

30 8. Paragraph 2(1) of Schedule 3 of the 1976 Order (power of the Council to require disclosure of information) has effect as if it enabled requirements to be imposed for the purpose of assisting the registrar in carrying out functions in respect of identifying any person registered by virtue of Article 8E(3)(b) (emergency registration of a group of persons).

SCHEDULE 2

Section 2

MENTAL HEALTH: NORTHERN IRELAND

PART 1

5

INTRODUCTORY PROVISION ETC

*Interpretation*

1.—(1) In this Schedule—

“the 1986 Order” means the Mental Health (Northern Ireland) Order 1986;

10 “the 1986 Regulations” means the the Mental Health (Nurses, Guardianship,  
Consent to Treatment and Prescribed Forms) Regulations (Northern  
Ireland) 1986;

an “RQIA practitioner” means a medical practitioner appointed for the  
purposes of Part 2 of the 1986 Order by RQIA.

(2) In this Schedule—

15 (a) references to Articles are to Articles of the 1986 Order;

(b) references to Forms are to the Forms set out in the Schedule to the 1986  
Regulations.

(3) Expressions used in this Schedule and in the 1986 Order have the meaning  
given in that Order.

20

*Prescribed forms*

2. Where any form prescribed for use in connection with a provision of the 1986  
Order is inconsistent with a modification made by Part 2 of this Schedule, the  
form—

25 (a) may, in connection with the provision as so modified, be used with  
appropriate amendments;

(b) is otherwise, for use in that connection, to be read with such amendments  
as are necessary to reflect the modification.

PART 2

30 MODIFICATIONS TO THE MENTAL HEALTH (NORTHERN IRELAND)  
ORDER 1986 DURING THE EMERGENCY PERIOD

*Applications for compulsory admission to hospital for assessment*

3.—(1) During the emergency period, an application for assessment may be  
made by a relevant social worker in accordance with Article 4 if the social worker  
is of the opinion that an application should be made but that it is impractical or  
35 would involve undesirable delay for the application to be made by an approved  
social worker.



(2) A patient may be admitted to hospital for assessment and there detained for the period allowed by Article 9 (as modified by paragraph 6), in pursuance of such an application; and

5 (a) references in Part 2 of the 1986 Order to an application for admission for assessment made in accordance with Article 4, or duly completed or made under or in accordance with that Part, include an application for assessment duly completed or made by a relevant social worker in reliance on this paragraph; and

10 (b) in relation to such an application, references in the 1986 Order to “the applicant” include the relevant social worker who made the application.

(3) A relevant social worker who is proposing to make an application in reliance on this paragraph must inform the patient, and where practicable the person (if any) appearing to the relevant social worker to be the nearest relative of the patient, that—

15 (a) the application is being made in reliance on this paragraph, and

(b) the social worker is of the opinion referred to in sub-paragraph (1).

(4) During the emergency period, Article 5(2) (person making application must have personally seen patient not more than 2 days before date of application) has effect in relation to an application for assessment (whether by an approved social worker or a relevant social worker) as if for “two days” there were substituted  
20 “five days”.

(5) An application for assessment made by a relevant social worker in reliance on this paragraph must be accompanied by a written statement complying with sub-paragraphs (6) and (7).

25 (6) The statement must specify—

(a) that the application is being made in reliance on this paragraph,

(b) that the social worker is of the opinion referred to in sub-paragraph (1),

(c) that the social worker is registered in accordance with and has the experience required by this paragraph (see the definition of “relevant  
30 social worker in sub-paragraph (10)),

(d) that the social worker has informed the patient in accordance with sub-paragraph (3), and

(e) whether the social worker has informed the person appearing to the social worker to be the nearest relative of the patient in accordance with sub-paragraph (3), and if not the reasons why it was not practicable to do so.  
35

(7) The statement must contain a summary of the views (if any) expressed by the patient and the person (if any) who was informed in accordance with sub-paragraph (3).

40 (8) Article 5 otherwise does not apply in relation to an application for assessment made in reliance on this paragraph.

(9) Where an application for assessment is made by a relevant social worker in reliance on this paragraph, Form 2 has effect as if—

(a) in the heading, for “an approved social worker” there were substituted “a relevant social worker”;

(b) for the sentence beginning “I am an officer of” there were substituted “I am a relevant social worker in accordance with paragraph 3 of Schedule 2 to the Pandemic Influenza (Emergency) Act 2020.”;

5 (c) for the two sections headed “The following section should be completed if nearest relative consulted” and “The following section should be completed if nearest relative not consulted” there were substituted—  
“I have informed [full name of patient], before making this application, as specified in the written statement by me which accompanies this application.

10 **Delete either (a), (b) or (c) as appropriate**

(a) I have informed [name and address] who, to the best of my knowledge and belief, is the patient’s nearest relative, before making this application, as specified in that written statement.

OR

15 (b) I have informed [name and address] who I understand has been authorised by a county court to exercise the functions under the Order of the patient’s nearest relative, before making this application, as specified in that written statement.

OR

20 (c) It has not been practicable for me to inform the patient’s nearest relative, before making this application, as specified in that written statement.”.

(10) In this paragraph, “relevant social worker” means a person (other than an approved social worker) who—

25 (a) is registered as a social worker in the principal part of the register maintained by the Northern Ireland Social Care Council under section 3 of the Health and Personal Social Services Act (Northern Ireland) 2001, and

30 (b) has at least 5 years’ experience of working as a social worker within the 10 years immediately preceding the day on which the application is made; and for this purpose the 5 years need not be a single period, or continuous periods, of such experience.

*Medical recommendation*

35 4. Article 6(a) (medical practitioner to have personally examined patient not more than 2 days before date on which signs medical recommendation) has effect in relation to an application for assessment made during the emergency period (whether by an approved social worker or a relevant social worker) as if for “two days” there were substituted “five days”.

*Applications for compulsory admission for assessment in respect of patients already in hospital*

40

5. During the emergency period—

(a) Article 7(2) (period for which patient can be detained following report by medical practitioner on staff of hospital) has effect as if for “48 hours” there were substituted “120 hours”,

45 (b) Article 7(3) (period for which patient can be detained pending report by medical practitioner on staff of hospital) has effect as if for “6 hours” there were substituted “12 hours”.

*The assessment period*

6.—(1) Article 9(1) (period within which patient admitted to hospital in pursuance of an application for assessment must be examined by a medical practitioner) has effect during the emergency period as if for “immediately after”  
5 there were substituted “as soon as practicable and not later than 12 hours after”.

(2) Article 9(4) (period for which patient may be detained in hospital for assessment following report on examination under Article 9(1)) has effect during the emergency period—

(a) as if for sub-paragraph (b) there were substituted—

10 “(aa) where the report was furnished by any other medical practitioner, and the conditions in paragraph (4A) were satisfied, for a period not exceeding 120 hours from the time when the report was furnished;

15 (b) where the report was furnished by any other medical practitioner, and any of the conditions in paragraph (4A) was not satisfied, for a period not exceeding 48 hours from when the report was furnished;”, and

(b) as if after paragraph (4) there were inserted—

“(4A) The conditions are that the medical practitioner—

20 (a) had (at the date on which the examination of the patient in accordance with paragraph (1) was carried out) at least 5 years’ experience of working with mental health patients within the 10 years immediately preceding that date;

25 (b) considered that it was impractical for the responsible medical practitioner or a medical practitioner appointed for the purposes of this Part by RQIA to carry out the examination under paragraph (1) before the end of the period of 48 hours from the date on which the report was furnished; and

30 (c) furnished together with the report a written statement specifying that the practitioner—

(i) had the experience referred to in sub-paragraph (a); and

(ii) was of the opinion referred to in sub-paragraph (b).

(4B) The 5 years’ experience referred to in sub-paragraph (4A)(a) need not be a single period, or continuous periods, of such experience.”.

35 (3) Article 9(5) (period within which patient must be examined by responsible medical officer where examination under Article 9(1) was not by that officer) has effect during the emergency period as if for “sub-paragraph (b) of paragraph (4)” there were substituted “sub-paragraph (aa) or (b) of paragraph (4)”.

40 (4) Article 9(8) (further period for which patient may be detained for assessment where responsible medical officer furnishes report under Article 9(8)) has effect during the emergency period as if for “7 days” there were substituted “21 days”.

*Rectification of applications, recommendations and reports*

7. Article 11(1) (period within which application for assessment, medical recommendation or report furnished under Article 9 may be amended) has effect during the emergency period as if for “14 days” there were substituted “28 days”.

*Detention for treatment*

8.—(1) During the emergency period, a relevant medical practitioner may, during the period for which a patient is detained for assessment by virtue of Article 9(8) (as modified by paragraph 6(4)) (the “extended assessment period”)—

(a) examine a patient who is detained for assessment by virtue of Article 9(8),  
and

(b) furnish to the responsible authority a report of the examination,  
if the practitioner considers that it would be impractical for an RQIA practitioner to carry out the examination of the patient and furnish the report of that examination under Article 12(1) during that period.

(2) For the purposes of sub-paragraph (1), sub-paragraphs (a) to (d) of Article 12(1) apply as if the reference in each to “his opinion” were a reference to the relevant medical practitioner’s opinion.

(3) A report in reliance on this paragraph must be in the form prescribed under paragraph (1) of Article 12 for a report under that sub-paragraph (Form 10), but as if for the sentence beginning “I [full name and professional address of medical practitioner]” there were substituted—

“I [full name and professional address of medical practitioner], a relevant medical practitioner in accordance with paragraph 8 of Schedule 2 to the Pandemic Influenza (Emergency) Act 2020, examined this patient on [date].”.

(4) Article 12(2) applies in relation to a report in reliance on this paragraph as it applies to a report under Article 12(1).

(5) A report by a relevant medical practitioner in reliance on sub-paragraph (1) must be accompanied by a written statement by the practitioner specifying that—

(a) the practitioner is of the opinion referred to in sub-paragraph (1), and  
(b) the practitioner has the experience required by this paragraph (see sub-paragraph (9)).

(6) Where, before the end of the extended assessment period—

(a) an examination of a patient is carried out and a report is furnished in reliance on this paragraph, and  
(b) the report is accompanied by a written statement in accordance with sub-paragraph (5),

the report is sufficient authority for the responsible authority to detain the patient in hospital for treatment for a period not exceeding 28 days from the end of the extended assessment period, pending an examination of the patient by an RQIA practitioner.

(7) Where an RQIA practitioner examines the patient and furnishes a report of the examination under Article 12(1) before the end of the period of 28 days referred to in sub-paragraph (6), the report has the same effect as if the RQIA

practitioner had examined the patient and furnished the report before the end of the extended assessment period.

(8) The responsible authority must immediately forward to RQIA a copy of any report furnished to it in reliance on this paragraph.

5 (9) In this paragraph, a “relevant medical practitioner” means a medical practitioner who—

(a) is not an RQIA practitioner, and

(b) has at least 5 years’ experience of working with mental health patients, of which at least one year’s experience must have been of working with  
10 patients who were detained for treatment.

*Periods of remand to hospital*

9. During the emergency period, Article 42(7) (including as applied by Article 43(5)) (periods of remand of accused to hospital for report on mental condition or treatment) has effect as if the words “or for more than 12 weeks in all” were  
15 omitted.

*Required medical evidence for remand to hospital, hospital or guardianship order, interim hospital order, determinations of question of fitness to be tried or finding of not guilty on ground of insanity*

10.—(1) During the emergency period, a court may make an order, determination or direction under a provision listed in sub-paragraph (2) if the  
20 court—

(a) is satisfied that complying with the requirement under that provision for the oral evidence of an RQIA practitioner and the written or oral evidence of one other medical practitioner is impractical or would involve  
25 undesirable delay, and

(b) is satisfied on the evidence of a single RQIA practitioner of the matters of which of which it would (but for this paragraph) have to be satisfied on the evidence of two practitioners as referred to in sub-paragraph (a),

and any other conditions for the making of the order, determination or direction  
30 are met.

(2) The provisions referred to in paragraph (1) are—

(a) Article 43(1) (order remanding accused person to hospital for treatment);

(b) Article 44(1)(a) or (b) (hospital order, or guardianship, in respect of convicted person);

35 (c) Article 45(1) (interim hospital order in respect of convicted person pending final hospital order or other disposal);

(d) Article 49 (determination of question of fitness of person to be tried on indictment);

(e) Article 50(1) (direction for recording of finding that person is not guilty of offence charged on indictment on ground of insanity).  
40

(3) Article 44(7) has effect as if—

(a) for “described by each of the practitioners” there were substituted “described by the practitioner”;

- (b) for “whether or not he is also described by either of them” there were substituted “whether or not he is also described by the practitioner”.

*Required medical evidence for hospital order in respect of certain other detained persons in their absence*

5 11. During the emergency period, a court may make an order under Article 57(5) (hospital order in respect of a detainee falling within Article 54(2)(a) in absence of detainee) if the court—

- (a) is satisfied that complying with the requirement under Article 57(6) for the oral evidence of two RQIA practitioners is impractical or would involve  
10 undesirable delay, and
- (b) is satisfied on the evidence of a single RQIA practitioner of the matters of which it would (but for this paragraph) have to be satisfied on the evidence of two practitioners as referred to in sub-paragraph (a),  
and any other conditions for the making of the order are met.

15 *Directions for the transfer of prisoners etc to hospital*

12.—(1) During the emergency period, the Department of Justice may give a transfer direction under Article 53(1) (transfer of prisoners etc to hospital) if the Department—

- (a) is satisfied that complying with the requirement under that provision for  
20 written reports from at least two registered medical practitioners, one of whom is an RQIA practitioner, is impractical or would involve undesirable delay, and
- (b) is satisfied of the matters mentioned in paragraphs (a) and (b) of that provision by a written report from a single RQIA medical practitioner,  
25 and any other conditions for the giving of the transfer direction are met.

(2) During the emergency period, Article 54(1) has effect as if for “satisfied by the same reports as are required” there were substituted “satisfied by the same report as is required”.

*Conveyance of accused or convicted persons to hospital*

30 13.—(1) During the emergency period, the following provisions have effect as if references to conveying or admitting a person to hospital within a specified period were references to doing so within that period or as soon as practicable after the end of that period—

- (a) Article 42(9)(c) (including as applied by Article 43(5)) (period within  
35 which accused person remanded to hospital for report on mental condition or treatment must be conveyed and admitted to hospital);
- (b) Article 46(2) and (3) (period within which person in respect of whom hospital order or interim hospital order is made must be conveyed and admitted to hospital).

40 (2) Article 46(4) has effect as if for “within the period of 28 days referred to in” there were substituted “in accordance with”.

(3) During the emergency period Article 53(2) (including as applied by Article 54(3)) (period within which person subject to transfer direction must be received into hospital) has effect as if for “14 days” there were substituted “28 days”.

*Designation of, and admission of persons to, different hospitals in pursuance of hospital orders*

14.—(1) During the emergency period, the Department of Health may designate a different hospital to that which it previously designated under—

- (a) Article 46(1) or (3)(a), or
- (b) this sub-paragraph,

where the Department considers that the conditions in sub-paragraph (2) are met.

(2) Those conditions are—

- (a) that in all the circumstances it is impractical and would involve unreasonable delay for the person who is the subject of the hospital order or interim hospital order to be admitted to the hospital previously designated by it, and
- (b) that it would be possible for the person to be admitted sooner to the different hospital.

(3) The power in sub-paragraph (1)(b) may be exercised on more than one occasion where the Department of Health considers that to be expedient.

(4) Where the Department designates a hospital by virtue of sub-paragraph (1)—

- (a) the new designation takes the place of the previous designation,
- (b) the references in Article 46(2) and (3) (as modified by paragraph 13(1)(b)) to conveying or admitting the person to hospital apply as regards the hospital specified in the new designation and as if the time limits for doing so begin with the date of that designation.

*Code of practice*

15.—(1) During the emergency period, the Code of Practice for the time being published under Article 111 is subject to the provisions of such further Code of Practice (“temporary Code”) as the Department of Health may prepare, as appropriate revise, and publish, for the guidance in relation to that period of medical practitioners, the Board, authorised HSC trusts, staff of hospitals and social workers in relation to admission of patients to hospitals.

(2) The Department of Health must consult RQIA, and such other bodies as appear to it to be concerned, in relation to the preparation or revision by it of any such temporary Code.

PART 3

AFTER THE EMERGENCY PERIOD: TRANSITIONAL PROVISION

16. The end of the emergency period does not affect the continuing validity or effect of anything done during that period in reliance on a provision of Part 2 of this Schedule.

17. Paragraphs 5, 6, 7 and 13(3) continue to apply after the end of the emergency period for the purposes of determining the length of any period which has begun before the end of the emergency period.

18. Where, by virtue of paragraph 9, a person has been remanded under Article 42 or 43 for more than 12 weeks in all, the person may not be further remanded under that provision after the end of the emergency period.

19.—(1) Paragraphs 13(1) and 14(4) continue to apply after the end of the emergency period in relation to any order or direction made during the emergency period, subject to sub-paragraph (2).

(2) The constable or other person whose duty is modified by paragraph 13(1) or 14(4) (as the case may be) must in any event convey the person concerned to the requisite hospital before—

(a) the end of the period specified in Article 42(9)(c) or Article 46(2) or (3), without the modification made by the provision concerned, or

(b) the end of the period of seven days beginning with the day on which the emergency period ends,

whichever is later.

#### PART 4

#### AFTER THE EMERGENCY PERIOD: REVIEW OF OPERATION OF CERTAIN PROVISIONS OF THIS SCHEDULE

20.—(1) Each HSC trust must maintain a record of each instance where—

(a) an application for assessment is made in reliance on paragraph 3,

(b) a patient was detained for assessment in reliance on Article 9(4)(aa) or (b) (as substituted by paragraph 6(2)(a)), and

(c) a report is furnished in reliance on paragraph 8.

(2) The HSC trust must prepare a report containing an evaluation by it of each such instance and its opinion as to whether the reliance—

(a) by the relevant social worker on paragraph 3,

(b) by the medical practitioner on Article 9(4)(aa) or (b) (as substituted by paragraph 6(2)(a)), or

(c) by the relevant medical practitioner on paragraph 8,

was appropriate.

(3) The HSC trust must send the report under sub-paragraph (2) to the Department of Health no later than 56 days after the end of the emergency period.



SCHEDULE 3

Section 3

MENTAL CAPACITY: NORTHERN IRELAND

PART 1

5 INTRODUCTORY PROVISION ETC

*Interpretation*

1.—(1) In this Schedule, “the 2016 Act” means the Mental Capacity Act (Northern Ireland) 2016.

(2) In this Schedule—

- 10 (a) references to sections are to sections of the 2016 Act;  
(b) references to Schedules are to Schedules to that Act.

(3) Expressions used in this Schedule and in the 2016 Act have the meaning given in that Act.

*Prescribed forms*

15 2. Where any form prescribed for use in connection with a provision of the 2016 Act is inconsistent with a modification made by Part 2 of this Schedule, the form—

- (a) may, in connection with the provision as so modified, be used with appropriate amendments,  
20 (b) is otherwise, for use in that connection, to be read with such amendments as are necessary to reflect the modification.

PART 2

MODIFICATIONS TO THE MENTAL CAPACITY ACT (NORTHERN IRELAND) 2016 DURING THE EMERGENCY PERIOD

25 *Proceedings of panels constituted to decide applications*

3. During the emergency period, section 297(2) (panels to have 3 members, all present) has effect as if for “(all of whom must be present during any proceedings of the panel)” there were substituted “, all of whom must be present during any proceedings of the panel, except where—

- 30 (a) the panel does not hear oral evidence,  
(b) each of the members provides a written opinion, and  
(c) the decision of the panel is unanimous.”.

*Time limit for panel’s decisions regarding authorisations of certain serious interventions*

35 4. During the emergency period, paragraph 19(2) of Schedule 1 (time limit for panel’s decision) has effect as if for “7 working days” there were substituted “28 working days”.

*Interim authorisations by panels of certain serious interventions*

5. During the emergency period, paragraph 20 of Schedule 1 (interim authorisations by panels) has effect as if in each of sub-paragraphs (2)(b), (3)(b) and (5)(a) for “28 days” there were substituted “56 days”.

*Report authorising short-term detention in hospital for examination etc*

6. Paragraph 4(2) of Schedule 2 (medical practitioner making medical report for inclusion in report under paragraph 2 to have examined P not more than 2 days before date on which medical report is made) has effect in relation to the making of a medical report during the emergency period as if for “two days” there were substituted “five days”.

7. Paragraph 5 of Schedule 2 (person making report under paragraph 2 to have personally seen P not more than 2 days before date on which report is made) has effect in relation to the making of a report during the emergency period as if for “two days” there were substituted “five days”.

*Consultation required before such a report is made*

8.—(1) During the emergency period, paragraph 6(1) of Schedule 2 (circumstances in which a person may make a report under paragraph 2 of Schedule 2 only if the person has consulted an approved social worker) has effect as if for “only if the person has consulted an approved social worker.” there were substituted “only if—

- (a) the person has consulted an approved social worker, or
- (b) the person considers that it is impractical or would involve undesirable delay to consult an approved social worker, the person has consulted a relevant social worker.”.

(2) A person who in relation to the person’s proposal to make a report under paragraph 2 of Schedule 2—

- (a) is of the opinion referred to in paragraph 6(1)(b) of Schedule 2 (as inserted by sub-paragraph (1)), and
- (b) is proposing to consult a relevant social worker in reliance on that paragraph,

must inform P, and where practicable P’s nominated person, of those facts.

(3) A report by a person under paragraph 2 of Schedule 2 who has consulted in reliance on paragraph 6(1)(b) of that Schedule (as inserted by sub-paragraph (1)) must be accompanied by a written statement complying with sub-paragraphs (4) and (5).

(4) The statement must specify—

- (a) that the person was of the opinion referred to in paragraph 6(1)(b) of Schedule 2 (as inserted by sub-paragraph (1)) and accordingly consulted a relevant social worker;
- (b) that the person has informed P as referred to in sub-paragraph (2);
- (c) whether the person has informed P’s nominated person as referred to in sub-paragraph (2), and if not, the reasons why it was not practicable to do so.

(5) The statement must contain a summary of the views (if any) expressed by P and P's nominated person.

(6) In this paragraph a "relevant social worker" means a person (other than an approved social worker), who—

- 5 (a) is registered as a social worker in the principal part of the register maintained by the Northern Ireland Social Care Council under section 3 of the Health and Personal Social Services Act (Northern Ireland) 2001, and
- (b) appears to the person proposing to make the report to have at least 5 years' experience within the 10 years immediately preceding the day on which  
10 the report is proposed to be made of working as a social worker in relation to persons who lack capacity; and for this purpose the period of 5 years need not be a single period, or continuous periods, of such experience.

*Extension by panel of period of authorisation*

9. During the emergency period, paragraph 9(2) of Schedule 3 (time limit for  
15 panel's decision on application for extension of period of authorisation) has effect as if for "7 working days" there were substituted "28 working days".

*Additional notification requirements for panels*

10. Where a panel, during the emergency period, operates in reliance on paragraph 3, 5 or 9, the panel must as soon as practicable after making the decision  
20 concerned give written notice of that fact to P and P's nominated person.

*Period of detention in place of safety*

11. During the emergency period, section 146(1) (maximum period of detention of person removed from public place to place of safety under section 139) has effect as if for "24 hours" there were substituted "36 hours".

25 *Periods of remand to hospital*

12. During the emergency period, section 162(5) (periods of remand or further remand of accused to hospital for report on mental condition or treatment) has effect as if the words "or for more than 12 weeks in total" were omitted.

30 *Required medical evidence for court to be satisfied treatment condition is met in relation to remand to hospital*

13.—(1) During the emergency period, a court considering whether to remand an accused person to hospital under section 162(1) may regard the treatment condition as met where the court—

- 35 (a) is satisfied that complying with the requirement under section 165(3) for the evidence of at least two registered medical practitioners in accordance with that provision is impractical or would involve undesirable delay, and
- (b) is satisfied on the written or oral evidence of a single relevant medical practitioner of the matters of which it would (but for this paragraph) have to be satisfied on the evidence of at least two practitioners as referred to in  
40 sub-paragraph (a),

and any other requirements for the treatment condition to be met are satisfied.

(2) In sub-paragraph (1)(b), “relevant medical practitioner” means a medical practitioner referred to in paragraph (a) or (b) (as the case may be) of section 165(3).

*Required medical evidence for public protection orders, interim detention orders, determinations of question of fitness to be tried or findings of not guilty on ground of insanity*

14.—(1) During the emergency period, a court may make an order, determination or direction under a provision listed in sub-paragraph (2) if the court—

- 10 (a) is satisfied that complying with the requirement under that provision for the written or oral evidence of at least two medical practitioners, including the oral evidence of an approved medical practitioner, is impractical or would involve unreasonable delay, and
- 15 (b) is satisfied on the written or oral evidence of a single approved medical practitioner of the matters of which it would (but for this paragraph) have to be satisfied on the evidence of at least two practitioners as referred to in sub-paragraph (a),

and any other conditions for the making of the order, determination or direction are met.

20 (2) Those provisions are—

- (a) section 167(2) (public protection order requiring convicted person to be admitted to and detained in hospital or care home specified in order) (see also section 168(5));
- 25 (b) section 177(2) (interim detention order requiring convicted person to be admitted to and detained in hospital specified in order) (see also section 177(5));
- (c) section 204 (determination of question of fitness of person to be tried on indictment);
- 30 (d) section 206 (direction for recording of finding that person is not guilty of offence charged on indictment on ground of insanity).

*Required medical evidence for hospital directions*

15.—(1) During the emergency period, a court may give a hospital direction under section 174 (when passing custodial sentence, for the removal to and detention in hospital of a convicted person) where the court—

- 35 (a) is satisfied that complying with the requirement under that provision for the evidence of at least two registered medical practitioners in accordance with that provision is impractical or would involve undesirable delay, and
- (b) is satisfied on the written or oral evidence of a single relevant medical practitioner of the matters of which it would (but for this paragraph) have to be satisfied on the evidence of at least two practitioners as referred to in sub-paragraph (a),
- 40

and any other conditions for giving the direction are met.

(2) In sub-paragraph (1), “relevant medical practitioner” means a medical practitioner referred to in paragraph (a) or (b) (as the case may be) of section 175(4).

*Extension reports in relation to public protection orders without restrictions*

5 16. During the emergency period, section 183 (period within which appropriate medical practitioner making extension report in relation to public protection order without restrictions must have examined person subject to order) has effect as if in subsection (3)—

10 (a) in paragraph (a) of the definition of “the reporting period” (first extension under section 181), for “last month” there were substituted “last two months”, and

(b) in paragraph (b) of that definition (subsequent extension under section 182), for “last two months” there were substituted “last three months”.

*Required medical evidence for directions for the transfer of prisoners etc to hospital*

15 17.—(1) During the emergency period, the Department of Justice may give a direction under a provision listed in sub-paragraph (3) if the Department—

20 (a) is satisfied that complying with the requirement under that provision for written reports from at least two medical practitioners in accordance with that provision is impractical or would involve undesirable delay, and

(b) is satisfied on the basis of a written report from a single relevant medical practitioner of the matters of which it would (but for this paragraph) have to be satisfied on the written reports of at least two practitioners as referred to in sub-paragraph (a),

25 and any other conditions for giving the direction are met.

(2) In sub-paragraph (1), “relevant medical practitioner” means a medical practitioner referred to in paragraph (a) or (b) (as the case may be) of section 212(4) or (as the case may be) 223(5).

(3) Those provisions are—

30 (a) section 211(1) (direction for removal to hospital of person serving custodial sentence etc),

(b) section 214(1) (direction for removal to hospital of civil prisoner or immigration detainee),

35 (c) section 217(1) (direction for removal to hospital of person remanded in custody by magistrates’ court),

(d) section 220(1) (direction for removal to hospital of certain other detainees).

*Admission of person subject to hospital transfer direction to hospital*

40 18. During the emergency period, section 224(2)(b) (period within which person subject to hospital transfer direction must be admitted to hospital) has effect as if for “14 days” there were substituted “28 days”.

*Code of practice*

19.—(1) During the emergency period, the Code of Practice for the time being published under section 288 is subject to the provisions of such further Code of Practice (“temporary Code”) as the Department of Health may prepare, as  
5 appropriate revise, and publish, for the guidance in relation to that period of such of the persons or bodies referred to in subsection (1) of that section as the Department considers appropriate on such matters as the Department considers appropriate.

(2) Subsections (4) to (6), (8) to (10) of section 288 apply to a temporary Code  
10 as they apply to a Code of Practice referred to in that section.

(3) Section 288 does not otherwise apply to a temporary Code.

PART 3

AFTER THE EMERGENCY PERIOD: TRANSITIONAL PROVISION

20. The end of the emergency period does not affect the continuing validity or  
15 effect of anything done during that period in reliance on a provision of Part 2 of this Schedule.

21. Paragraphs 5, 9, 11 and 18 continue to apply after the end of the emergency period for the purposes of determining the length of any period which has begun before the end of the emergency period.

20 22. Where, by virtue of paragraph 12 an accused person has been remanded under section 162 for more than 12 weeks in total, the person may not be further remanded under that provision after the end of the emergency period.

PART 4

AFTER THE EMERGENCY PERIOD: REVIEW OF OPERATION OF  
25 CERTAIN PROVISIONS OF THIS SCHEDULE

23.—(1) Each HSC trust must maintain a record of each instance where a panel operates in reliance on paragraph 5 or 9.

(2) The HSC trust must prepare a report containing an evaluation by it of each such instance and its opinion as to whether the reliance on paragraph 5 or 9 was  
30 appropriate.

(3) The HSC trust must send the report under sub-paragraph (2) to the Department of Health no later than 3 months after the end of the emergency period.

SCHEDULE 4

35

Section 5

REGISTRATION OF DEATHS AND STILL-BIRTHS: NORTHERN IRELAND

*Interpretation*

1.—(1) In this Schedule—

“the 1976 Order” means the Births and Deaths Registration (Northern Ireland) Order 1976;

“the 2012 Regulations” means the Civil Registration Regulations (Northern Ireland) 2012.

5 (2) In this Schedule—

(a) references to Articles are to Articles of the 1976 Order;

(b) references to Forms are to Forms in Schedule 1 to the 2012 Regulations.

(3) Expressions used in this Schedule and in the 1976 Order have the meaning given in that Order.

10 *Giving certificate of cause of still-birth directly*

2.—(1) This paragraph applies if—

(a) a registered medical practitioner or registered midwife is required under Article 15(5) to give an informant a certificate for the purposes of Article 15(3), and

15 (b) the certificate is signed during the emergency period.

(2) The medical practitioner or, as the case may be, the registered midwife—

(a) must forthwith send a copy of the certificate to the registrar by electronic means;

(b) is not required to give the certificate to the informant (but may do so).

20 (3) The informant is not subject to any duty under Article 15(3) in relation to the certificate.

3. In accordance with paragraph 2, during the emergency period, Form 10 has effect as if, in the opening lines, for “accompanied by” there were substituted “and a copy of”.

25 *Giving certificate of notice of still-birth directly*

4. During the emergency period, Article 15(7) (registrar receiving written notice of still-births) has effect as if—

(a) for “accompanied by such a certificate” there were substituted “and a copy of such a certificate”;

30 (b) for “person sending the notice” there were substituted “person who has control over, or who ordinarily effects the disposal of bodies at, any burial ground or other place at which it is intended to dispose of the body of a still-born child,”.

35 *Giving information to the registrar other than in person and dispensing with signing the register*

5.—(1) During the emergency period, a qualified informant who is required under the 1976 Order to give information concerning a death or still-birth to a registrar, but who is unable to attend before a registrar in person, may give that information—

40 (a) by telephone, or

(b) by electronic means.

(2) The duty of a qualified informant to sign the register does not apply where information is given in reliance on sub-paragraph (1).

(3) Where information is given in reliance on sub-paragraph (1), that information is to be regarded for the purposes of the 1976 Order as having been given in the manner that is required by the 2012 Regulations.

(4) An entry in the register of deaths or the register of still-births for which, by virtue of sub-paragraph (2), no signature is required is to be treated as an entry signed by a qualified informant for the purposes of the 2012 Regulations.

(5) A qualified informant is to be treated as unable to attend before a registrar in person for the purposes of sub-paragraph (1) if it would be unreasonable or impracticable for the person to do so (whether because of illness, the need to care for others, the risk of infection, staff shortages at the registrar's office or any other reason).

6. In accordance with paragraph 5, during the emergency period—

- (a) Form 2 has effect as if at entry number 15 for "Signature" there were substituted "Name of person professing to be informant";
- (b) Form 3 has effect as if at entry number 16 for "Signature of informant" there were substituted "Name of person professing to be informant".

*Signing of certificates of cause of death*

7.—(1) This paragraph applies if—

- (a) a person dies as a result of any natural illness,
- (b) the person was treated by a registered medical practitioner ("A") within 28 days prior to the date of the person's death,
- (c) the time when (apart from this paragraph) A would be required to sign the certificate of cause of death under Article 25(2) falls within the emergency period,
- (d) at that time, A is unable to sign the certificate or it is impracticable for A to do so, and
- (e) another registered medical practitioner ("B") can state to the best of B's knowledge and belief the cause of death.

(2) B may sign the certificate of cause of death under Article 25(2).

(3) B is subject to the other duties applicable to a person who has signed such a certificate.

(4) A is not subject to any duties in relation to such a certificate.

8.—(1) This paragraph applies if—

- (a) a person dies as a result of any natural illness,
- (b) the person was not treated by a registered medical practitioner within 28 days prior to the date of the person's death, and
- (c) a registered medical practitioner ("C") can state to the best of C's knowledge and belief the cause of death.

(2) During the emergency period, C may sign the certificate of cause of death under Article 25(2).



(3) C is subject to the other duties applicable to a person who has signed such a certificate.

9. Where B or C proposes to sign a certificate under Article 25(2) in reliance on paragraph 7 or 8, Form 12 has effect as if—

- 5 (a) the two lines beginning with “Date on which was last seen alive and treated by me” were omitted, and
- (b) for “has died as a result of the natural illness or disease for which he has been treated by me within twenty eight days prior to the date of death” there were substituted “has died as a result of the cause of death referred to
- 10 above”.

10. [[Where C signs a certificate under Article 25(2) in reliance on paragraph 8]/ [During the emergency period], section 7 of the Coroners Act (Northern Ireland) 1959 has effect as if the words “for which he had been seen and treated by a registered medical practitioner within twenty-eight days prior to his death” were

15 omitted.]

*Giving certificate of cause of death directly*

11.—(1) This paragraph applies if—

- (a) a registered medical practitioner signs a certificate of cause of death under Article 25(2) (whether or not the certificate is signed in reliance on
- 20 paragraph 7 or 8), and
- (b) the certificate is signed during the emergency period.

(2) The medical practitioner—

- (a) must forthwith send a copy of the certificate, together with such other particulars as are prescribed under Article 25(2), to the registrar by
- 25 electronic means;
- (b) is not required to give the certificate to the informant (but may do so).

(3) The informant is not subject to any duties in relation to the certificate.

12. In accordance with paragraph 11, during the emergency period—

- (a) Article 22 has effect as if the words “, accompanied by such medical
- 30 certificate of the cause of the death as is required by Article 25 to be given to the registrar,” were omitted;
- (b) Article 25(3) has effect as if for after “paragraph (2)” there were inserted “or give the registrar a copy of such a certificate”;
- (c) Article 25(4) has effect as if for the words from “An informant” to “and”
- 35 there were substituted “Where a registered medical practitioner gives to the registrar a copy of the certificate which the practitioner has signed under Article 25(2) together with such other particulars as are required under Article 25(2) to be given by the practitioner.”.

*Giving certificate of registration, or written notice, of death directly*

40 13. During the emergency period, Article 29 (certificate of registration of death) has effect with the following modifications—

- (a) paragraph (1) has effect as if—

- 5 (i) after “person giving information concerning the death” there were inserted “or the person who effects the disposal of, or performs any funeral service for, the body of the deceased person”;
- (ii) after “a certificate in the prescribed form”, the words “under his hand” were omitted;
- (b) paragraph (2) has effect as if—
- 10 (i) for “the person sending the notice, if required to do so,” there were substituted “the person who effects the disposal of, or performs any funeral service for, the body of the deceased person”;
- (ii) after “a certificate in the prescribed form”, the words “under his hand” were omitted.

*After the end of the emergency period: transitional provision*

14. Anything relating to the registration of a death or still-birth that, immediately before the end of the emergency period, is in the process of being
- 15 done in reliance on any provision of this Schedule may continue to be done after the end of that period in reliance on that provision.