

CERTIFICATE & ADMISSION ORDER TO DETAIN A VOLUNTARY PATIENT BY RESPONSIBLE CONSULTANT PSYCHIATRIST

FORM 13

MENTAL HEALTH
ACT 2001
(as amended)
SECTION (23)
& (24)
PAGE 2 OF 3

PART TWO – SECTION 24(2)(a) CERTIFICATE

This certificate is to be completed by another consultant psychiatrist following referral by the consultant psychiatrist responsible for the care and treatment of the person

10. Name of Person

11. Full Name and Professional Address of Consultant Psychiatrist

I,	
OF	

Have examined the above named person and;

12. I am of the opinion that the person is suffering from a mental disorder, and because of such disorder should be detained in the approved centre for the following reasons

13. Give a clinical description of the reasons for forming the opinion made at No. 12.
OR

14. I am of the opinion that the person is not suffering from a mental disorder and should not be detained in the approved centre for the following reasons.

15. Give a clinical description of the reasons for forming the opinion made at No. 14.

Signed: _____ (Consultant Psychiatrist)

Date: / /

Time: :
(24 hour clock e.g. 2.41p.m. is written as 14.41)

PART THREE – ADMISSION ORDER

16. A certificate has been issued under *Subsection 24(2)(a)* by a second consultant psychiatrist. In accordance with *Section 24(3) and (4)* I make an admission order for the reception, detention and treatment of the above named person for a period of 21 days from the date of the making of this order.

17. I am not a person disqualified from making an admission order.

- 18.** I shall within 24 hours of making this order;
- Give to the Patient a notice in writing as required by *Section 16(1)(b)* and *16(2)* of the Mental Health Act 2001;
 - Send to the Commission a copy of the Order as required by *Section 16(1)(a)*

Signed: _____ (Responsible Consultant Psychiatrist)

Date: / /

Time: :
(24 hour clock e.g. 2.41p.m. is written as 14.41)

The notes are for guidance only and do not constitute an exact statement of the provisions of the Mental Health Act 2001 (as amended).

The Health Act 2004 dissolves Health Boards. References to Health Boards in the Mental Health Act 2001 (as amended) are to be read as references to the Health Service Executive.

SECTIONS OF THE MENTAL HEALTH ACT 2001

- 15.— (1) An admission order shall authorise the reception, detention and treatment of the patient concerned and shall remain in force for a period of 21 days from the date of the making of the order and, subject to subsection (2) and section 18(4), shall then expire.
- (2) The period referred to in subsection (1) may be extended by order (to be known as and in this Act referred to as “a renewal order”) made by the consultant psychiatrist responsible for the care and treatment of the patient concerned for a further period not exceeding 3 months.
- (3) The period referred to in subsection (1) may be further extended by order made by the consultant psychiatrist concerned for a period not exceeding 6 months beginning on the expiration of the renewal order made by the psychiatrist under subsection (2) and thereafter may be further extended by order made by the psychiatrist for periods each of which does not exceed 12 months (each of which orders is also referred to in this Act as “a renewal order”).
- (4) The period referred to in subsection (1) shall not be extended under subsection (2) or (3) unless the consultant psychiatrist concerned has not more than one week before the making of the order concerned examined the patient concerned and certified in a form specified by the Commission that the patient continues to suffer from a mental disorder.
- 16.— (1) Where a consultant psychiatrist makes an admission order or a renewal order, he or she shall, not later than 24 hours thereafter—
- (a) send a copy of the order to the Commission, and
- (b) give notice in writing of the making of the order to the patient.
- (2) A notice under this section shall include a statement in writing to the effect that the patient—
- (a) is being detained pursuant to section 14 or 15, as the case may be
- (b) is entitled to legal representation,
- (c) will be given a general description of the proposed treatment to be administered to him or her during the period of his or her detention,
- (d) is entitled to communicate with the Inspector,
- (e) will have his or her detention reviewed by a tribunal in accordance with the provisions of section 18,
- (f) is entitled to appeal to the Circuit Court against a decision of a tribunal under section 18 if he or she is the subject of a renewal order, and
- (g) may be admitted to the approved centre concerned as a voluntary patient if he or she indicates a wish to be so admitted.
- (3) In this section references to an admission order shall include references to the relevant recommendation and the relevant application.
- 23.— (1) Where a person (other than a child) who is being treated in an approved centre as a voluntary patient indicates at any time that he or she wishes to leave the approved centre, then, if a consultant psychiatrist, registered medical practitioner or registered nurse on the staff of the approved centre is of opinion that the person is suffering from a mental disorder, he or she may detain the person for a period not exceeding 24 hours or such shorter period as may be prescribed, beginning at the time aforesaid.
- (2) Where the parents of a child who is being treated in an approved centre as a voluntary patient, or either of them, or a person acting in loco parentis indicates that he or she wishes to remove the child from the approved centre and a consultant psychiatrist, registered medical practitioner or registered nurse on the staff of the approved centre is of opinion that the child is suffering from a mental disorder, the child may be detained and placed in the custody of the health board for the area in which he or she is for the time being.
- (3) Where a child is detained in accordance with this section, the health board shall, unless it returns the child to his or her parents, or either of them, or a person acting in loco parentis, make an application under section 25 at the next sitting of the District Court held in the same district court district or, in the event that the next such sitting is not due to be held within 3 days of the date on which the child is placed in the care of the health board, at a sitting of the District Court, which has been specially arranged, held within the said 3 days, and the health board shall retain custody of the child pending the hearing of that application.
- (4) The provisions of section 13(4) of the Child Care Act, 1991, shall apply to the making of an application in respect of a child to whom this section applies with any necessary modifications.
- 24.— (1) Where a person (other than a child) is detained pursuant to section 23, the consultant psychiatrist responsible for the care and treatment of the person prior to his or her detention shall either discharge the person or arrange for him or her to be examined by another consultant psychiatrist who is not a spouse, civil partner or relative of the person.
- (2) If, following such an examination, the second-mentioned consultant psychiatrist—
- (a) is satisfied that the person is suffering from a mental disorder, he or she shall issue a certificate in writing in a form specified by the Commission stating that he or she is of opinion that because of such mental disorder the person should be detained in the approved centre, or
- (b) is not so satisfied, he or she shall issue a certificate in writing in a form specified by the Commission stating that he or she is of opinion that the person should not be detained and the person shall thereupon be discharged.
- (3) Where a certificate is issued under subsection (2)(a), the consultant psychiatrist responsible for the care and treatment of the person immediately before his or her detention under section 23 shall make an admission order in a form specified by the Commission for the reception, detention and treatment of the person in the approved centre.
- (4) The provisions of sections 15 to 22 shall apply to a person detained under this section as they apply to a person detained under section 14 with any necessary modifications.
- (5) For the purpose of carrying out an examination under subsection(2), the consultant psychiatrist concerned shall be entitled to take charge of the person concerned for the period of 24 hours referred to in section 23.
- (6) References in this section to the consultant psychiatrist responsible for the care and treatment of the person include references to a consultant psychiatrist acting on behalf of the first-mentioned consultant psychiatrist.