

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

The Mental Health Act (2001) does not define "Adult". "Child" means a person under the age of 18 years other than a person who is or has been married. Adult means any person who is not included in the definition of a "Child" in the Act.

"Consent", in relation to a patient, means consent obtained freely without threats or inducements, where—

- (a) the consultant psychiatrist responsible for the care and treatment of the patient is satisfied that the patient is capable of understanding the nature, purpose and likely effects of the proposed treatment; and
- (b) the consultant psychiatrist has given the patient adequate information, in a form and language that the patient can understand, on the nature, purpose and likely effects of the proposed treatment.

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

SECTIONS OF THE MENTAL HEALTH ACT 2001

- 4.— (1) In making a decision under this Act concerning the care or treatment of a person (including a decision to make an admission order in relation to a person), the best interests of the person shall be the principal consideration with due regard being given to the interests of other persons who may be at risk of serious harm if the decision is not made.
- (2) Where it is proposed to make a recommendation or an admission order in respect of a person, or to administer treatment to a person, under this Act, the person shall, so far as is reasonably practicable, be notified of the proposal and be entitled to make representations in relation to it and before deciding the matter due consideration shall be given to any representations duly made under this subsection.
- (3) In making a decision under this Act concerning the care or treatment of a person (including a decision to make an admission order in relation to a person) due regard shall be given to the need to respect the right of the person to dignity, bodily integrity, privacy and autonomy.
- 57.— (1) The consent of a patient shall be required for treatment except where, in the opinion of the consultant psychiatrist responsible for the care and treatment of the patient, the treatment is necessary to safeguard the life of the patient, to restore his or her health, to alleviate his or her condition, or to relieve his or her suffering, and by reason of his or her mental disorder the patient concerned is incapable of giving such consent.
- (2) This section shall not apply to the treatment specified in *section 58, 59 or 60*.
- 59.— (1) A programme of electro-convulsive therapy shall not be administered to a patient unless either—
- (a) the patient gives his or her consent in writing to the administration of the programme of therapy, or
 - (b) where the patient is unable or unwilling to give such consent—
 - (i) the programme of therapy is approved (in a form specified by the Commission) by the consultant psychiatrist responsible for the care and treatment of the patient, and
 - (ii) the programme of therapy is also authorised (in a form specified by the Commission) by another consultant psychiatrist following referral of the matter to him or her by the first-mentioned psychiatrist.



TREATMENT WITHOUT CONSENT ELECTROCONVULSIVE THERAPY INVOLUNTARY PATIENT (ADULT)

This part to be completed by another consultant psychiatrist following referral by the first-mentioned psychiatrist.

7. Full Name of Consultant Psychiatrist
(and Professional Address if other than Section 3 above)

I have examined the above named patient on DATE: / /
and I am of the opinion that it would be to the benefit of the patient to be administered electroconvulsive therapy without consent for the following reasons

8. Give details of how this treatment will benefit the patient

This patient is;
unable or unwilling to give consent to this treatment.

I authorise this programme of electroconvulsive therapy.

Signed: _____
(Consultant Psychiatrist)

Date: / /

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