



**APPLICATION (TO A REGISTERED MEDICAL PRACTITIONER)
BY A MEMBER OF THE GARDA SÍOCHÁNA
FOR A RECOMMENDATION FOR INVOLUNTARY
ADMISSION OF AN ADULT (TO AN APPROVED CENTRE)**

FORM 3

MENTAL HEALTH
ACT 2001
(as amended)
**SECTION 9 OR
SECTION 12**
PAGE 1 OF 2

BLOCK CAPITALS (Before completing this form please read the notes overleaf)

1. This application is made pursuant to:

Section 9 OR Section 12

2. Full Name and Home Address of PERSON to be admitted to an Approved Centre

3. Date of Birth OR Age (if Date of Birth not known)

/ /
 Age: _____
 Gender M F

4. APPLICANT'S Full Name

First Name: _____ Surname: _____

5. Telephone number

I hereby apply for a recommendation for the involuntary admission of the above named PERSON to

6. Name and Address of Approved Centre

I am applying for a recommendation for the involuntary admission of the above named person because

STATE:

7. Reason for making an application

8. Any connection of applicant with person

9. Circumstances in which the application is made

I am a member of the Garda Síochána based at

10. Name and Address of Garda Station

A person shall not make an application unless he or she has observed the person who is the subject of the application not more than 48 hours before the date of the making of the application.

11. Date:

I last observed the person on / /
 Time: :

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

If any previous application was refused, state if known

12. Name of doctor who refused application

13. Date of refusal

/ /

14. Circumstances pertaining to the refusal

- It is an offence not to disclose all information that you are aware of that relates to any previous applications for involuntary admission and their refusal.
- To the best of my knowledge and belief I am not disqualified from making this application for reasons set out in Section 9(2) of the Mental Health Act 2001 (as amended). (Section 9(2) is replicated in the notes overleaf).

Signed: _____

Garda Number: _____

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 Mental Health Act 2001 (as amended) 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.

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

3. - (1) In this Act "mental disorder" means mental illness, severe dementia or significant intellectual disability where
- (a) because of the illness, disability or dementia, there is a serious likelihood of the person concerned causing immediate and serious harm to himself or herself or to other persons, or
 - (b) (i) because of the severity of the illness, disability or dementia, the judgment of the person concerned is so impaired that failure to admit the person to an approved centre would be likely to lead to a serious deterioration in his or her condition or would prevent the administration of appropriate treatment that could be given only by such admission, and
 - (ii) the reception, detention and treatment of the person concerned in an approved centre would be likely to benefit or alleviate the condition of that person to a material extent.
- (2) In *subsection (1)* - "mental illness" means a state of mind of a person which affects the person's thinking, perceiving, emotion or judgment and which seriously impairs the mental function of the person to the extent that he or she requires care or medical treatment in his or her own interest or in the interest of other persons; "severe dementia" means a deterioration of the brain of a person which significantly impairs the intellectual function of the person thereby affecting thought, comprehension and memory and which includes severe psychiatric or behavioural symptoms such as physical aggression; "significant intellectual disability" means a state of arrested or incomplete development of mind of a person which includes significant impairment of intelligence and social functioning and abnormally aggressive or seriously irresponsible conduct on the part of the person.
8. - (1) A person may be involuntarily admitted to an approved centre pursuant to an application under *section 9* or *12* and detained there on the grounds that he or she is suffering from a mental disorder.
- (2) Nothing in *subsection (1)* shall be construed as authorising the involuntary admission of a person to an approved centre by reason only of the fact that the person -
 - (a) is suffering from a personality disorder,
 - (b) is socially deviant, or
 - (c) is addicted to drugs or intoxicants.
 - (3) The Commission shall, from time to time, issue guidelines for staff in approved centres in relation to the provisions of this section.
9. - (1) Subject to *subsections (4)* and *(6)* and *section 12*, where it is proposed to have a person (other than a child) involuntarily admitted to an approved centre, an application for a recommendation that the person be so admitted may be made to a registered medical practitioner by any of the following:
- (a) the spouse or civil partner or a relative of the person,
 - (b) an authorised officer,
 - (c) a member of the Garda Síochána, or
 - (d) subject to the provisions of *subsection (2)*, any other person.
- (2) The following persons shall be disqualified for making an application in respect of a person -
- (a) a person under the age of 18 years,
 - (b) an authorised officer or a member of the Garda Síochána who is a relative of the person or of the spouse or civil partner of the person,
 - (c) a member of the governing body, or the staff, or the person in charge, of the approved centre concerned,
 - (d) any person with an interest in the payments (if any) to be made in respect of the taking care of the person concerned in the approved centre concerned,
 - (e) any registered medical practitioner who provides a regular medical service at the approved centre concerned,
 - (f) the spouse or civil partner, parent, grandparent, brother, sister, uncle or aunt of any of the persons mentioned in the foregoing paragraphs (b) to (e), whether of the whole blood, of the half blood or by affinity.
- (3) An application shall be made in a form specified by the Commission.
- (4) A person shall not make an application unless he or she has observed the person the subject of the application not more than 48 hours before the date of the making of the application.
- (5) Where an application is made under *subsection (1)(d)*, the application shall contain a statement of the reasons why it is so made, of the connection of the applicant with the person to whom the application relates, and of the circumstances in which the application is made.
- (6) A person who, for the purposes of or in relation to an application, makes any statement which is to his or her knowledge false or misleading in any material particular, shall be guilty of an offence.
- (7) In paragraph (c) of *subsection (2)*, the reference to a member of the governing body of the approved centre concerned does not include a reference to a member of a health board.
- (8) In this section -
- "authorised officer" means an officer of a health board who is of a prescribed rank or grade and who is authorised by the chief executive officer to exercise the powers conferred on authorised officers by this section;
- "spouse", in relation to a person, does not include a spouse of a person who is living separately and apart from the person or in respect of whom an application or order has been made under the Domestic Violence Act, 1996.
- 'civil partner' in relation to a person, does not include a civil partner of the person who is living separately and apart from the person or in respect of whom an application or order has been made under the Domestic Violence Acts 1996 and 2002 as amended by the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;".
11. - (1) Where following the refusal of an application any further such application is made in respect of the same person, the applicant, so far as he or she is aware of the facts relating to the previous application and its refusal, shall state those facts to the registered medical practitioner to whom the further application is made.
- (2) A person who contravenes *subsection (1)* shall be guilty of an offence.
12. - (1) Where a member of the Garda Síochána has reasonable grounds for believing that a person is suffering from a mental disorder and that because of the mental disorder there is a serious likelihood of the person causing immediate and serious harm to himself or herself or to other persons, the member may either alone or with any other members of the Garda Síochána—
- (a) take the person into custody, and
 - (b) enter if need be by force any dwelling or other premises or any place if he or she has reasonable grounds for believing that the person is to be found there.
- (2) Where a member of the Garda Síochána takes a person into custody under *subsection (1)*, he or she or any other member of the Garda Síochána shall make an application forthwith in a form specified by the Commission to a registered medical practitioner for a recommendation.
- (3) The provisions of *sections 10* and *11* shall apply to an application under this section as they apply to an application under *section 9* with any necessary modifications.
- (4) If an application under this section is refused by the registered medical practitioner pursuant to the provisions of *section 10*, the person the subject of the application shall be released from custody immediately.
- (5) Where, following an application under this section, a recommendation is made in relation to a person, a member of the Garda Síochána shall remove the person to the approved centre specified in the recommendation.