



Mental Health (Forms) Amendment Regulations 2000

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 28th day of February 2000

Present:

His Excellency the Governor-General in Council

Pursuant to section 135 of the Mental Health (Compulsory Assessment and Treatment) Act 1992, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

1	Title		Schedule
2	Commencement		New forms 1, 2, 3, 4, 9, and 10
3	Regulation 9 substituted 9 Warrants		substituted in First Schedule of principal regulations
4	Amendments to First Schedule		

Regulations

- 1 Title**
- (1) These regulations are the Mental Health (Forms) Amendment Regulations 2000.

- (2) In these regulations, the Mental Health (Forms) Regulations 1992¹ are called “the principal regulations”.

¹ SR 1992/305

2 Commencement

These regulations come into force on 1 April 2000.

3 Regulation 9 substituted

The principal regulations are amended by revoking regulation 9, and substituting the following regulation:

“9 Warrants

“(1) A warrant issued under section 113A(4) of the Act must be in form 9.

“(2) A warrant issued under section 113A(7) of the Act must be in form 10.”

4 Amendments to First Schedule

The First Schedule of the principal regulations is amended by revoking forms 1, 2, 3, 4, 9, and 10, and substituting the forms 1, 2, 3, 4, 9, and 10 set out in the Schedule.

r 4

Schedule
New forms 1, 2, 3, 4, 9, and 10 substituted in First
Schedule of principal regulations

r 3

Form 1
Front
Certificate of clinical review of condition of patient subject
to compulsory treatment order
Section 76(3), Mental Health (Compulsory Assessment and Treatment)
Act 1992

*Location*To the Director of Area
Mental Health Services, at:*Full name*

Name of patient:

Date of birth

Patient's date of birth:

Address

Address:

who is subject to a compulsory treatment order that

Section and Act under which compulsory order made

was made under:

Commencement date of compulsory order in force

and commenced on:

Expiry date of compulsory order in force

and is in force until:

Form 1—*continued*

I have examined the patient and have consulted with other health professionals involved in the treatment and care of the patient and have taken their views into account when assessing the results of my review of the patient's condition.

In my opinion: *(i)

The patient is fit to be released from compulsory status
--

or

 *(ii)

The patient is not fit to be released from compulsory status
--

**Delete if inapplicable*

Copies of certificate

If I am of the opinion that the patient is not fit to be released from compulsory status, I will send a copy of this certificate to each of the following: (*tick those applicable*)

- the patient
- any welfare guardian of the patient
- the patient's principal caregiver
- the medical practitioner who usually attended the patient immediately before the patient was required to undergo assessment and treatment
- a district inspector
- an official visitor

I will enclose with each copy of this certificate a statement of—

- (a) the legal consequences of the above finding; and
- (b) the right of each of the following persons to apply to the Review Tribunal for a review of the patient's condition:
 - (i) the patient;
 - (ii) any welfare guardian of the patient;
 - (iii) the patient's principal caregiver;
 - (iv) the medical practitioner who attended the patient immediately before the patient was required to undergo assessment and treatment under Part I of the Mental Health (Compulsory Assessment and Treatment) Act 1992.

Reasons and reports

I will send to the Director of Area Mental Health Services, with this certificate, full particulars of the reasons for my opinion of the patient's condition and any relevant reports from other health professionals involved in the case.

Form 1—*continued*

Name of responsible clinician who conducted the review

This certificate is
issued by:

--

Business address and telephone number of responsible clinician

Address:

	/ /
--	-----

Signature of responsible clinician

Date

Form 1—*continued**Back*Statement of legal consequences of finding that patient is not
fit to be released from compulsory status
and
Statement of right to apply to Review Tribunal*Legal consequences*

If, on a clinical review under section 76 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 of the condition of a patient, the responsible clinician is of the opinion that **the patient is not fit to be released from compulsory status**, that patient will be required to continue to undergo treatment under that Act.

Application to Review Tribunal

There is however a further step that may be taken.

Each of the following persons may apply to the Review Tribunal for a review of the patient's condition:

- (a) the patient:
- (b) any welfare guardian of the patient:
- (c) the patient's principal caregiver:
- (d) the medical practitioner who usually attended the patient immediately before the patient was required to undergo assessment and treatment under Part I of the Mental Health (Compulsory Assessment and Treatment) Act 1992.

If any such person wishes to apply to the Review Tribunal, that person may seek help from—

- (a) a district inspector:
- (b) an official visitor:
- (c) his or her lawyer:
- (d) the patient's responsible clinician:
- (e) a patient advocate (if one is available).

Steps to be taken by district inspector

The district inspector who receives a copy of this certificate (or an official visitor acting under an arrangement with that district inspector) must—

- (a) communicate with the patient and find out, if possible, whether or not the patient wants an application to be made to the Review Tribunal for a review of the patient's condition. The district inspector (or official visitor) must communicate with the patient by talking to him or her, unless talking to him or her is impracticable; and
- (b) decide, having regard to any view expressed by the patient, whether or not an application should be made to the Review Tribunal for a review of the patient's condition.

Form 1—*continued*

If that district inspector or any such official visitor considers that such an application should be made, that district inspector or that official visitor is required to take whatever reasonable steps he or she thinks necessary to encourage or assist the patient, or any of the other persons entitled to apply to the Tribunal, to make such an application.

If that district inspector or any such official visitor considers that an application should be made to have the patient's condition reviewed by the Review Tribunal, but neither the patient nor any other person intends to make such an application, the district inspector or any such official visitor may report the matter to the Review Tribunal. In such a case, the Review Tribunal may, of its own motion, review the patient's condition under section 79 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 as if an appropriate application for such a review had been made to the Review Tribunal.

Finding of Review Tribunal

The Review Tribunal, on conducting such a review, may find that—

- (a) the patient is fit to be released from compulsory status; or
- (b) the patient is not fit to be released from compulsory status.

Further Information

For further information about the Review Tribunal, see sections 79, 82, and 101 to 107 of the Mental Health (Compulsory Assessment and Treatment) Act 1992.

Form 2

r 4(1)

*Front*Certificate of clinical review of condition of patient found to
be under disability and detained as special patient*Section 77(3), Mental Health (Compulsory Assessment and Treatment)
Act 1992**Location*To the Director of Area
Mental Health Services, at:*Full name*

Name of patient:

Date of birth

Patient's date of birth:

Address

Address:

who was found to be under disability and who is detained pursuant to an order
made under section 115(1)(a) of the Criminal Justice Act 1985 and dated:*Date of court order*I have examined the patient and have consulted with other health professionals
involved in the treatment and care of the patient and have taken their views into
account when assessing the results of my review of the patient's condition.

Form 2—*continued*

- In my opinion:
- ***(i)**

The patient is no longer under disability

- or*
- ***(ii)**

The patient is still under disability but it is no longer necessary that the patient should be subject to the order of detention as a special patient

- or*
- ***(iii)**

The patient is still under disability and the patient should continue to be subject to the order of detention as a special patient
--

**Delete if inapplicable*

Copies of certificate

I will send a copy of this certificate to each of the following: (*tick those applicable*)

- the Director of Mental Health
- the patient
- any welfare guardian of the patient
- the patient's principal caregiver
- the medical practitioner who usually attended the patient immediately before the making of the order of detention
- a district inspector
- an official visitor

I will enclose with each copy of this certificate a statement of—

- (a) the legal consequences of the above finding; and
- (b) the right of each of the following persons to apply to the Review Tribunal for a review of the patient's condition:
 - (i) the patient;
 - (ii) any welfare guardian of the patient;
 - (iii) the patient's principal caregiver;
 - (iv) the medical practitioner who usually attended the patient immediately before the making of the order of detention.

Copy for Attorney-General

I will, in addition, send a copy of this certificate to the Attorney-General for the purposes of section 116 of the Criminal Justice Act 1985, if my opinion is either—

- (a) that the patient is no longer under disability; or
- (b) that the patient is still under disability but it is no longer necessary that the patient should be subject to the order of detention as a special patient.

Form 2—continued

Reasons and reports

I will send to the Director of Area Mental Health Services, with this certificate, full particulars of the reasons for my opinion of the patient’s condition and any relevant reports from other health professionals involved in the case.

Name of responsible clinician who conducted the review

This certificate is issued by:

Business address and telephone number of responsible clinician

Address:

/ /

Signature of responsible clinician

Date

Form 2—*continued**Back*Statement of legal consequences of findings set out in
certificate of clinical review
and
Statement of right to apply to Review Tribunal*Legal consequences*

A copy of this certificate will be sent to the Attorney-General for the purposes of section 116 of the Criminal Justice Act 1985, if, on a clinical review under section 77(3) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 of the condition of a patient who was ordered to be detained following a finding of disability, the responsible clinician is of the opinion that—

- (a) **the patient is no longer under disability; or**
- (b) **the patient is still under disability but it is no longer necessary that the patient should be subject to the order of detention as a special patient.**

The Attorney-General will—

- (a) direct that the patient be brought before the appropriate court; or
- (b) direct that the patient be held under a compulsory treatment order; or
- (c) apply to the Review Tribunal for a review of the patient's condition.

If, on the clinical review, the responsible clinician is of the opinion that **the patient is still under disability and should continue to be subject to the order of detention as a special patient**, the patient will continue to be detained as a special patient.

Application to Review Tribunal

There is however a further step that may be taken.

Each of the following persons may apply to the Review Tribunal for a review of the patient's condition:

- (a) the patient;
- (b) any welfare guardian of the patient;
- (c) the patient's principal caregiver;
- (d) the medical practitioner who usually attended the patient immediately before the making of the order of detention.

If any such person wishes to apply to the Review Tribunal, that person may seek help from—

- (a) a district inspector;
- (b) an official visitor;
- (c) his or her lawyer;
- (d) the patient's responsible clinician;
- (e) a patient advocate (if one is available).

Form 2—*continued**Steps to be taken by district inspector*

The district inspector who receives a copy of this certificate (or an official visitor acting under an arrangement with that district inspector) must—

- (a) communicate with the patient and find out, if possible, whether or not the patient wants an application to be made to the Review Tribunal for a review of the patient's condition. The district inspector (or official visitor) must communicate with the patient by talking to him or her, unless talking to him or her is impracticable; and
- (b) decide, having regard to any view expressed by the patient, whether or not an application should be made to the Review Tribunal for a review of the patient's condition.

If that district inspector or any such official visitor considers that such an application should be made, that district inspector or that official visitor is required to take whatever reasonable steps he or she thinks necessary to encourage or assist the patient, or any of the other persons entitled to apply to the Tribunal, to make such an application.

If that district inspector or any such official visitor considers that an application should be made to have the patient's condition reviewed by the Review Tribunal, but neither the patient nor any other person intends to make such an application, the district inspector or any such official visitor may report the matter to the Review Tribunal. In such a case, the Review Tribunal may, of its own motion, review the patient's condition under section 80 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 as if an appropriate application for such a review had been made to the Review Tribunal.

Finding of Review Tribunal

The Review Tribunal, on conducting such a review, may find that—

- (a) the patient is no longer under disability; or
- (b) the patient is still under disability but it is no longer necessary that the patient should be subject to the order of detention as a special patient; or
- (c) the patient is still under disability and the patient should continue to be subject to the order of detention as a special patient.

Further Information

For further information about the Review Tribunal, see sections 80, 82, and 101 to 107 of the Mental Health (Compulsory Assessment and Treatment) Act 1992.

r 4(2)

Form 3
*Front*Certificate of clinical review of condition of patient acquitted
on account of insanity and detained as
special patient*Section 77(4), Mental Health (Compulsory Assessment and Treatment)
Act 1992**Location*To the Director of Area
Mental Health Services, at:*Full name*

Name of patient:

Date of birth

Patient's date of birth:

Address

Address:

who was acquitted on account of insanity and who is detained pursuant to an order made under section 115(1)(b) of the Criminal Justice Act 1985 and dated:

Date of court order

I have examined the patient and have consulted with other health professionals involved in the treatment and care of the patient and have taken their views into account when assessing the results of my review of the patient's condition.

I have also considered whether or not the patient's condition still requires, either in the patient's own interest or for the safety of the public, that the patient should be subject to the order of detention as a special patient.

Form 3—*continued*

In my opinion: *(i)

The patient's condition does not require the detention of the patient as a special patient
--

or

 *(ii)

The patient's condition still requires the detention of the patient as a special patient
--

**Delete if inapplicable*

Copies of certificate

I will send a copy of this certificate to each of the following: (*tick those applicable*)

- the Director of Mental Health
- the patient
- any welfare guardian of the patient
- the patient's principal caregiver
- the medical practitioner who usually attended the patient immediately before the making of the order of detention
- a district inspector
- an official visitor

I will enclose with each copy of this certificate a statement of—

- (a) the legal consequences of the above finding; and
- (b) the right of each of the following persons to apply to the Review Tribunal for a review of the patient's condition:
 - (i) the patient;
 - (ii) any welfare guardian of the patient;
 - (iii) the patient's principal caregiver;
 - (iv) the medical practitioner who attended the patient immediately before the making of the order of detention.

Copy for Minister of Health

If my opinion is that the patient's condition does not require the detention of the patient as a special patient, I will, in addition, send a copy of this certificate to the Minister of Health for the purposes of section 117 of the Criminal Justice Act 1985.

Reasons and reports

I will send to the Director of Area Mental Health Services, with this certificate, full particulars of the reasons for my opinion of the patient's condition and any relevant reports from other health professionals involved in the case.

Form 3—*continued*

Name of responsible clinician who conducted the review

This certificate is
issued by:

Business address and telephone number of responsible clinician

Address:

/ /

Signature of responsible clinician

Date

Form 3—*continued**Back*Statement of legal consequences of findings set out in
certificate of clinical review
and
Statement of right to apply to Review Tribunal*Legal consequences*

If, on a clinical review under section 77(4) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 of the condition of a patient who was ordered to be detained following acquittal on account of insanity, the responsible clinician is of the opinion that **the patient's condition no longer requires, either in the patient's own interest or for the safety of the public, that he or she should be subject to the order of detention as a special patient**, that clinician will also send a copy of this certificate to the Minister of Health for the purposes of section 117 of the Criminal Justice Act 1985.

The Minister of Health may—

- (a) direct that the patient be held under a compulsory treatment order; or
- (b) direct that the patient be discharged; or
- (c) apply to the Review Tribunal for a review of the patient's condition.

If, on the clinical review, the responsible clinician is of the opinion that **the patient's condition still requires, either in the patient's own interest or for the safety of the public, that the patient should be subject to the order of detention as a special patient**, the patient will continue to be detained as a special patient.

Application to Review Tribunal

There is however a further step that may be taken.

Each of the following persons may apply to the Review Tribunal for a review of the patient's condition:

- (a) the patient;
- (b) any welfare guardian of the patient;
- (c) the patient's principal caregiver;
- (d) the medical practitioner who usually attended the patient immediately before the making of the order of detention.

If any such person wishes to apply to the Review Tribunal, that person may seek help from—

- (a) a district inspector;
- (b) an official visitor;
- (c) his or her lawyer;
- (d) the patient's responsible clinician;
- (e) a patient advocate (if one is available).

Form 3—*continued**Steps to be taken by district inspector*

The district inspector who receives a copy of this certificate (or an official visitor acting under an arrangement with that district inspector) must—

- (a) communicate with the patient and find out, if possible, whether or not the patient wants an application to be made to the Review Tribunal for a review of the patient's condition. The district inspector (or official visitor) must communicate with the patient by talking to him or her, unless talking to him or her is impracticable; and
- (b) decide, having regard to any view expressed by the patient, whether or not an application should be made to the Review Tribunal for a review of the patient's condition.

If that district inspector or any such official visitor considers that such an application should be made, that district inspector or that official visitor is required to take whatever reasonable steps he or she thinks necessary to encourage or assist the patient, or any of the other persons entitled to apply to the Tribunal, to make such an application.

If that district inspector or any such official visitor considers that an application should be made to have the patient's condition reviewed by the Review Tribunal, but neither the patient nor any other person intends to make such an application, the district inspector or any such official visitor may report the matter to the Review Tribunal. In such a case, the Review Tribunal may, of its own motion, review the patient's condition under section 80 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 as if an appropriate application for such a review had been made to the Review Tribunal.

Finding of Review Tribunal

The Review Tribunal, on conducting such a review, may find that—

- (a) the patient's condition still requires, either in the patient's own interest or for the safety of the public, that he or she should be subject to the order of detention as a special patient; or
- (b) the patient's condition no longer requires, either in the patient's own interest or for the safety of the public, that he or she should be subject to the order of detention as a special patient.

Further Information

For further information about the Review Tribunal, see sections 80, 82, and 101 to 107 of the Mental Health (Compulsory Assessment and Treatment) Act 1992.

Form 4
Front

r 5

Certificate of clinical review of condition of restricted patient
Section 78(3), Mental Health (Compulsory Assessment and Treatment)
Act 1992

To the Director of Area
Mental Health Services, at:

Location

Name of patient:

Full name

Patient's date of birth:

Date of birth

Address:

Address

who has been declared a restricted patient by the Court under section 55 of the
Mental Health (Compulsory Assessment and Treatment) Act 1992 and is
subject to a compulsory treatment order that

commenced on:

Commencement date of compulsory order in force

and is in force until:

Expiry date of compulsory order in force

I have examined the patient and have consulted with other health professionals
involved in the treatment and care of the patient and have taken their views into
account when assessing the results of my review of the patient's condition.

Form 4—*continued*

In my opinion:

*(i)

The patient is fit to be released from compulsory status

or

*(ii)

The patient is not fit to be released from compulsory status but it is no longer necessary that the patient should be declared to be a restricted patient

or

*(iii)

The patient is not fit to be released from compulsory status and should continue to be declared a restricted patient

Delete if inapplicableCopies of certificate*I will send a copy of this certificate to each of the following: (*tick those applicable*)

- the Director of Mental Health
- the patient
- any welfare guardian of the patient
- the patient's principal caregiver
- the medical practitioner who usually attended the patient immediately before the patient was required to undergo assessment and treatment under Part I of the Mental Health (Compulsory Assessment and Treatment) Act 1992
- a district inspector
- an official visitor

I will enclose with each copy of this certificate a statement of—

- (a) the legal consequences of the above finding; and
- (b) the right of each of the following persons to apply to the Review Tribunal for a review of the patient's condition:
 - (i) the patient:
 - (ii) any welfare guardian of the patient:
 - (iii) the patient's principal caregiver:
 - (iv) the medical practitioner who attended the patient immediately before the patient was required to undergo assessment and treatment under Part I of the Mental Health (Compulsory Assessment and Treatment) Act 1992.

Form 4—*continued*

Copy for Minister of Health

If my opinion is that the patient is not fit to be released from compulsory status but it is no longer necessary that the patient should be declared to be a restricted patient, I will, in addition, send a copy of this certificate to the Minister of Health for consideration by that Minister under section 78(6) of the Mental Health (Compulsory Assessment and Treatment) Act 1992.

Reasons and reports

I will send to the Director of Area Mental Health Services, with this certificate, full particulars of the reasons for my opinion of the patient’s condition and any relevant reports from other health professionals involved in the case.

Name of responsible clinician who conducted the review

This certificate is issued by:

Business address and telephone number of responsible clinician

Address:

/ /

Signature of responsible clinician

Date

Form 4—*continued**Back*Statement of legal consequences of findings set out in
certificate of clinical review
and
Statement of right to apply to Review Tribunal*Legal consequences*

If, on a clinical review under section 78 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 of the condition of a restricted patient, the responsible clinician is of the opinion that **the patient is fit to be released from compulsory status**, the Director of Mental Health will either—

- (a) direct that the patient be released from that status forthwith; or
- (b) apply to the Review Tribunal for a review of the patient's condition.

If, on the clinical review, the responsible clinician is of the opinion that **the patient is not fit to be released from compulsory status but it is no longer necessary that the patient should be declared to be a restricted patient**, a copy of this certificate will be sent to the Minister of Health for consideration by that Minister under section 78(6) of the Mental Health (Compulsory Assessment and Treatment) Act 1992.

The Minister of Health will, after consultation with the Attorney-General, either—

- (a) revoke the declaration that the patient shall be a restricted patient; or
- (b) apply to the Review Tribunal for a review of the patient's condition.

If, on the clinical review, the responsible clinician is of the opinion that **the patient is not fit to be released from compulsory status and should continue to be declared to be a restricted patient**, the patient will continue to be detained as a restricted patient.

Application to Review Tribunal

There is however a further step that may be taken.

Each of the following persons may apply to the Review Tribunal for a review of the patient's condition:

- (a) the patient;
- (b) any welfare guardian of the patient;
- (c) the patient's principal caregiver;
- (d) the medical practitioner who usually attended the patient immediately before the patient was required to undergo assessment and treatment under Part I of the Mental Health (Compulsory Assessment and Treatment) Act 1992.

If any such person wishes to apply to the Review Tribunal, that person may seek help from—

- (a) a district inspector;
- (b) an official visitor;
- (c) his or her lawyer;
- (d) the patient's responsible clinician;
- (e) a patient advocate (if one is available).

Form 4—*continued**Steps to be taken by district inspector*

The district inspector who receives a copy of this certificate (or an official visitor acting under an arrangement with that district inspector) must—

- (a) communicate with the patient and find out, if possible, whether or not the patient wants an application to be made to the Review Tribunal for a review of the patient's condition. The district inspector (or official visitor) must communicate with the patient by talking to him or her, unless talking to him or her is impracticable; and
- (b) decide, having regard to any view expressed by the patient, whether or not an application should be made to the Review Tribunal for a review of the patient's condition.

If that district inspector or any such official visitor considers that such an application should be made, that district inspector or that official visitor is required to take whatever reasonable steps he or she thinks necessary to encourage or assist the patient, or any of the other persons entitled to apply to the Tribunal, to make such an application.

If that district inspector or any such official visitor considers that an application should be made to have the patient's condition reviewed by the Review Tribunal, but neither the patient nor any other person intends to make such an application, the district inspector or any such official visitor may report the matter to the Review Tribunal. In such a case, the Review Tribunal may, of its own motion, review the patient's condition under section 80 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 as if an appropriate application for such a review had been made to the Review Tribunal.

Finding of Review Tribunal

The Review Tribunal, on conducting such a review, may find that—

- (a) the patient is fit to be released from compulsory status; or
- (b) the patient is not fit to be released from compulsory status but it is no longer necessary that the patient should be declared to be a restricted patient; or
- (c) the patient is not fit to be released from compulsory status and should continue to be declared to be a restricted patient.

Further Information

For further information about the Review Tribunal, see sections 80, 82, and 101 to 107 of the Mental Health (Compulsory Assessment and Treatment) Act 1992.

r 9(1)

Form 9

Warrant to apprehend proposed patient or patient
Section 113A(4), Mental Health (Compulsory Assessment and Treatment)
Act 1992 ("the Act")

Location

The District Court at:

Court reference number:

To every member of the police:

I am satisfied, on an application made by the Director of Area Mental Health Services, that the proposed patient (*or* patient) named below is refusing to attend at:

Name and address of hospital or other place

In accordance with a requirement to attend at that place for:

*(a)

or

*(b)

or

*(c)

or

*(d)

Form 9—continued

or

***(e)**

A review to which a notice given under section 76(1A) of the Act relates
--

or

*2 I am satisfied, on an application made by the Director of Area Mental Health Services, that the patient named below is subject to a community treatment order and is refusing to attend for treatment, in accordance with the order, at:

Name and address of hospital or other place

or

*3 I am satisfied, on an application made by the Director of Area Mental Health Services, that the patient named below is subject to an inpatient order and is absent from:

Name and address of hospital

either: ***(a)**

without leave

or

***(b)**

when the patient's leave of absence from the hospital has expired or has been cancelled

** Delete if inapplicable*

Particulars of the proposed patient (*or* patient) are as follows:

Name of proposed patient (or patient)

--

Date of birth of proposed patient (or patient)

--

Form 9—continued

Address of proposed patient (or patient)

I authorise you to apprehend the proposed patient (or patient) and take that proposed patient (or patient) to:

Name and address of hospital or other place to which the proposed patient (or patient) is to be taken

Name of proposed patient's (or patient's) responsible clinician or nominated medical practitioner

--

/ /

District Court Judge
or Registrar (if no Judge is available)

Date

Form 10 r 9(2)

Warrant to enter premises where person or proposed patient
or patient is

*Section 113A(7), Mental Health (Compulsory Assessment and Treatment)
Act 1992 ("the Act")*

Location

The District Court at:

Court reference number:

To every member of the police:

I am satisfied, on an application made by (*specify full name*), a member of the police, that—

- (a) a duly authorised officer who is intending or attempting to take an action specified in section 38(4)(b) or (d) or section 40(2) of the Act in relation to the person (*or* proposed patient or patient) named below has called to his or her assistance a member of the police; and
- (b) the person (*or* proposed patient or patient) named below is at the premises specified below; and
- (c) it is necessary to issue this warrant.

Name of person (or proposed patient or patient)

Date of birth of person (or proposed patient or patient)

Address of premises to be entered

Form 10—*continued*

I authorise you to enter the premises specified above under section 41(2) of the Act.

/ /

District Court Judge
or Registrar (if no Judge is available)

Date

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 April 2000, substitute a number of forms in the principal regulations that incorporate changes made by the Mental Health (Compulsory Assessment and Treatment) Amendment Act 1999. These substituted forms include a new form of warrant for the apprehension of proposed patients (or patients) under certain provisions of the Mental Health (Compulsory Assessment and Treatment) Act 1992. The regulations also prescribe a form of warrant authorising the entry of premises by members of the police who are called to assist health professionals to ensure that persons required to undergo certain medical examinations under the Act have those examinations.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 2 March 2000.

These regulations are administered in the Ministry of Health.
