



Number 28 of 2020

Central Mental Hospital (Relocation) Act 2020



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CENTRAL MENTAL HOSPITAL (RELOCATION) ACT 2020

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[No. 28.]

*Central Mental Hospital
(Relocation) Act 2020.*

[2020.]

ACTS REFERRED TO

Criminal Law (Insanity) Act 2006 (No. 11)

Defence Act 1954 (No. 18)

Interpretation Act 2005 (No. 23)

Mental Health Act 2001 (No. 25)

Mental Treatment Act 1961 (No. 7)



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CENTRAL MENTAL HOSPITAL (RELOCATION) ACT 2020

An Act to provide for the relocation of the Central Mental Hospital from its current premises in Dundrum, County Dublin to a premises in Portrane, County Dublin; to provide for the transfer of persons lawfully detained in the Central Mental Hospital Dundrum to the Central Mental Hospital Portrane; to provide for transitional arrangements; to provide for the closure of the former Central Mental Hospital Dundrum; to provide for the repeal of section 39 of the Mental Treatment Act 1961; and to provide for related matters. [20th December, 2020]

Be it enacted by the Oireachtas as follows:

Definitions

1. In this Act—

“Act of 2001” means the Mental Health Act 2001;

“Act of 2006” means the Criminal Law (Insanity) Act 2006;

“closure day” shall be construed in accordance with *section 4*;

“former Central Mental Hospital” means the psychiatric centre situated at Dundrum, Dublin 14 that was, until the relocation day, known as the Central Mental Hospital;

“Minister” means the Minister for Health;

“relocation day” shall be construed in accordance with *section 2*.

Relocation day

2. (1) Subject to *subsections (2) and (3)* the Minister shall, by order, appoint a day to be the relocation day for the purposes of this Act.
- (2) An order under *subsection (1)* shall include a true copy of the deposited map.
- (3) Before making an order under *subsection (1)*, the Minister shall consult the Minister for Justice and the Mental Health Commission.
- (4) The psychiatric centre, situated within the National Forensic Mental Health Service, Portrane, County Dublin, comprising the area consisting of the lands identified within the inner margins of the red lines, hatched in red and marked “Central Mental Hospital” on the deposited map, shall, on and after the relocation day, be known as the Central Mental Hospital.

- (5) References to the Central Mental Hospital or Central Mental Hospital Dundrum (howsoever described) in any enactment (other than this Act), court order or other document made prior to the relocation day shall, on and after that day, be construed as references to the psychiatric centre, situated at the National Forensic Mental Health Service, Portrane, County Dublin, and known as the Central Mental Hospital.
- (6) In this section—
- “enactment” has the same meaning as it has in the Interpretation Act 2005;
- “deposited map” means the map deposited for the purposes of this Act by, or on behalf of, the Minister at the offices of the Department of Health, Miesian Plaza, 50 to 58 Lower Baggot Street, Dublin 2, and that—
- (a) is sealed with the Official Seal of the Minister, and
- (b) is described as having been deposited for that purpose.

Transfer of persons to Central Mental Hospital and transitional provisions

3. (1) Subject to *subsections (2) and (3)* every person who, immediately before the relocation day, is lawfully detained in the former Central Mental Hospital in accordance with a relevant provision shall, on and after that day, continue to be lawfully detained in the former Central Mental Hospital pending his or her transfer to the Central Mental Hospital.
- (2) Every person in relation to whom *subsection (1)* applies shall, during the transitional period, be transferred to the Central Mental Hospital and shall, during his or her transfer, continue to be lawfully detained.
- (3) Nothing in this section shall be construed so as to require a review of an order made in accordance with—
- (a) section 14 or 15 of the Act of 2001, or
- (b) section 4, 5 or 15 of the Act of 2006.
- (4) In this section—
- “relevant provision” means—
- (a) section 202 or 203 of the Defence Act 1954,
- (b) section 14, 15 or 21 of the Act of 2001, or
- (c) section 4, 5 or 15 of the Act of 2006;
- “transitional period” means the period beginning on the relocation day and ending on the day before the closure day.

Closure day

4. (1) Subject to *subsection (2)* the Minister shall, by order, appoint a day to be the closure day on which the former Central Mental Hospital shall cease to operate.

- (2) Before making an order under *subsection (1)* the Minister shall consult the Minister for Justice and the Mental Health Commission.
- (3) The day appointed by the Minister under *subsection (1)* shall be not later than 3 months after the relocation day.

Exclusions

5. Nothing in this Act shall prejudice any right or entitlement of a person under or relating to—
 - (a) section 15(3)(b), 18, 19 or 28 of the Act of 2001, or
 - (b) section 13, 17 or 18 of the Act of 2006.

Expenses

6. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of monies provided by the Oireachtas.

Repeal

7. Section 39 of the Mental Treatment Act 1961 is repealed.

Short title and commencement

8. (1) This Act may be cited as the Central Mental Hospital (Relocation) Act 2020.
- (2) This Act shall come into operation on such day or days as the Minister, following consultation with the Minister for Justice, may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.