

Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Paragraph 48 is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 8

Amendments of Mental Health Order

- 48.**—(1) Article 83 (procedure of Tribunal) is amended as follows.
- (2) In paragraph (2)(a) and (i) omit “under this Order”.
- (3) In paragraph (4)—
- (a) for “restricted patients” substitute “ persons within paragraph (4A) ”;
 - (b) for “restricted patient” substitute “ person within paragraph (4A) ”.
- (4) After that paragraph insert—
- “(4A) A person is within this paragraph if any of the following is in force in respect of the person—
- (a) a public protection order with restrictions (within the meaning of Part 10 of the 2016 Act);
 - (b) a hospital direction (within the meaning of that Part of that Act);
 - (c) a direction under section 211 of that Act.”.
- (5) In paragraph (5)—
- (a) omit “by this Order or by rules under this Article”;
 - (b) at the end insert “ (but this is subject to any rules under this Article) ”.
- (6) After paragraph (8) insert—
- “(9) Any reference in this Article to a patient includes a person by or in respect of whom an application or reference to the Review Tribunal is made under the 2016 Act or any other statutory provision.”.

Commencement Information

- II** Sch. 8 para. 48(1)(2)(5)(6) in operation at 2.12.2019 by S.R. 2019/163, art. 2(2), **Sch. Pt. 2** (with art. 3) (as amended by S.R. 2019/190, art. 2)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 285(2)(a)-(c) substituted for s. 285(2)(a)(b) by [2022 c. 18 \(N.I.\) Sch. 3 para. 77\(b\)](#)