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## STATUTORY INSTRUMENTS

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# 1986 No. 595

## The Mental Health (Northern Ireland) Order 1986

### PART II

#### COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

##### *Guardianship*

##### ***Rectification of guardianship applications and recommendations***

**21.—(1)** Where within the period of 14 days beginning with the day on which a guardianship application has been accepted by the responsible<sup>[F1]</sup> authority] the application, or any recommendation given for the purposes of the application, is found to be in any respect incorrect or defective, the application or recommendation may, within that period and with the consent of that<sup>[F1]</sup> authority], be amended by the person by whom it was signed; and where any such amendment is made the application or recommendation shall have effect and shall be deemed always to have had effect as if it had been originally made as so amended.

(2) Without prejudice to paragraph (1), where within the period mentioned in that paragraph it appears to the responsible<sup>[F1]</sup> authority] that one of the recommendations on which the guardianship application is founded is insufficient to warrant reception into guardianship in pursuance of the application, it may, within that period, give notice in writing to that effect to the applicant; and where any such notice is given in respect of a recommendation that recommendation shall be disregarded, but the application shall be, and shall be deemed always to have been, sufficient if—

- (a) a fresh recommendation complying with the relevant provisions of this Part (other than, in the case of a medical recommendation, the provisions relating to the time of signature and the interval between medical examinations) is furnished to the<sup>[F1]</sup> authority] within that period; and
- (b) that recommendation and the other recommendations on which the application is founded together comply with those provisions.

(3) Where the medical recommendations upon which an application under this Part is founded are, taken together, insufficient to warrant reception into guardianship in pursuance of the application, a notice under paragraph (2) may be given in respect of either of those recommendations; but this paragraph shall not apply in a case where the application is of no effect by virtue of Article 18(7).

(4) The responsible<sup>[F1]</sup> authority] shall immediately inform <sup>[F2]</sup>RQIA] of any amendment made under paragraph (1) and shall immediately forward to <sup>[F2]</sup>RQIA] a copy of any fresh recommendation furnished to the<sup>[F1]</sup> authority] under paragraph (2)(a).

**F1** 1994 NI 2

**F2** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 8\(1\)](#) (subject to [Sch. 6 para. 8\(2\)-\(4\)](#)); S.R. 2009/114, [art. 2](#)

**Changes to legislation:**

The Mental Health (Northern Ireland) Order 1986, Section 21 is up to date with all changes known to be in force on or before 09 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- [art. 18-26 repealed by 2016 c. 18 \(N.I.\) Sch. 8 para. 11](#)[Sch. 11](#)

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

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

- [Sch. 5 Pt. 2 repealed in part by S.I. 2003/435 \(N.I.\) Sch. 5](#) (text not available on [Legislation.gov.uk](#))
- [Sch.05 Pt. 1 rev. in pt. by 1995 c. 35 s. 29\(2\)](#)[Sch. 3](#)
- [Sch. 5 Pt. 2 rev. in pt. by 1998 c. 47 s. 100\(2\)](#)[Sch. 15](#)
- [art. 14A inserted by 2016 c. 18 \(N.I.\) Sch. 8 para. 10](#)
- [art. 36\(2\)\(za\) inserted by 2016 c. 18 \(N.I.\) Sch. 8 para. 22\(3\)](#)
- [art. 36\(3\)\(e\) and word inserted by 2016 c. 18 \(N.I.\) Sch. 8 para. 22\(4\)\(d\)](#)
- [art. 37\(1\)\(za\) inserted by 2016 c. 18 \(N.I.\) Sch. 8 para. 23\(2\)\(a\)](#)
- [art. 37\(1A\) inserted by 2016 c. 18 \(N.I.\) Sch. 8 para. 23\(3\)](#)
- [art. 52 rev. by 1996 c. 46 s. 35\(2\)](#)[Sch.7 Pt. 3](#)
- [art.52 rev. \(DrosD,\) by 1996 c. 46 s. 35\(2\)](#)[Sch.7 Pt.III](#)
- [art. 63A63B inserted by 2016 c. 18 \(N.I.\) Sch. 8 para. 31](#)
- [art. 67\(2A\) inserted by 2016 c. 18 \(N.I.\) Sch. 8 para. 35\(4\)](#)
- [art. 83\(4A\) inserted by 2016 c. 18 \(N.I.\) Sch. 8 para. 48\(4\)](#)
- [art. 120\(4\) inserted by 2016 c. 18 \(N.I.\) Sch. 8 para. 59\(4\)](#)
- [art. 133\(2A\) inserted by 2016 c. 18 \(N.I.\) Sch. 8 para. 68\(4\)](#)