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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

##### *Admission to hospital for assessment*

##### ***Person who may make application for assessment***

5.—(1) Subject to the following provisions of this Article, an application for assessment may be made by—

- (a) the nearest relative of the patient; or
- (b) an approved social worker,

and such a person is, in relation to an application for assessment made by him, referred to in this Order as “the applicant”.

(2) An application for assessment shall not be made by a person unless he has personally seen the patient not more than [<sup>F1</sup>two days][<sup>F1</sup>five days] before the date on which the application is made.

(3) An application for assessment shall not be made by an approved social worker except after consultation with the person, if any, appearing to be the nearest relative of the patient unless it appears to the approved social worker that in the circumstances such consultation is not reasonably practicable or would involve unreasonable delay.

(4) Where the nearest relative of a patient notifies an approved social worker or the responsible [<sup>F2</sup>authority] that he objects to an application for assessment being made in respect of the patient then—

- (a) no application for assessment in respect of the patient shall be made by an approved social worker unless he has consulted another approved social worker; and
- (b) if, after such consultation, an approved social worker makes an application for assessment in respect of the patient, he shall record the objection of the nearest relative on the application for assessment.

(5) Where a patient is admitted to a hospital for assessment in pursuance of an application for assessment made by an approved social worker without consulting the person appearing to be the nearest relative of the patient, it shall be the duty of that social worker to inform the nearest relative of the patient to that effect as soon as may be practicable.

(6) Where a patient is admitted to a hospital for assessment in pursuance of an application for assessment made by his nearest relative, the responsible [<sup>F2</sup>authority] shall as soon as practicable arrange for a social worker to interview the patient and provide the responsible medical officer with a report on his social circumstances.

**Changes to legislation:** *The Mental Health (Northern Ireland) Order 1986, Section 5 is up to date with all changes known to be in force on or before 19 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*

- F1** Words in art. 5(2) substituted (temp.) (2.4.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(2), [Sch. 10 para. 3\(4\)](#) (with ss. 88-90, [Sch. 10 para. 2](#)); [S.R. 2020/58](#), art. 2(c)
- F2** 1994 NI 2

**Modifications etc. (not altering text)**

- C1** Pt. 2 modified (temp.) (2.4.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(2), [Sch. 10 para. 3\(2\)\(a\)](#) (with ss. 88-90, [Sch. 10 para. 2](#)); [S.R. 2020/58](#), art. 2(c)
- C2** Pt. II expiry of earlier affecting provision 2020 c. 7, [Sch. 10 paras. 3-13 \(25.3.2022\)](#) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)
- C3** Art. 5 applied (31.3.2013) by [Mental Health \(Private Hospitals\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/22\)](#), regs. 1, [3\(3\)\(b\)](#), 4
- C4** Art. 5 applied (31.3.2013) by [Mental Health \(Private Hospitals\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/403\)](#), regs. 1, [3\(3\)\(b\)](#), 4
- C5** Art. 5 restricted (temp.) (2.4.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(2), [Sch. 10 para. 3\(8\)](#) (with ss. 88-90, [Sch. 10 para. 2](#)); [S.R. 2020/58](#), art. 2(c)
- C6** Art. 5 expiry of earlier affecting provision 2020 c. 7, [Sch. 10 paras. 3-13 \(25.3.2022\)](#) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)

**Changes to legislation:**

The Mental Health (Northern Ireland) Order 1986, Section 5 is up to date with all changes known to be in force on or before 19 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.

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**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\(4\)](#)