
STATUTORY INSTRUMENTS

1986 No. 595

The Mental Health (Northern Ireland) Order 1986

PART IV

CONSENT TO TREATMENT

Treatment requiring consent and a second opinion

- 63.**—(1) This Article applies to the following forms of medical treatment for mental disorder—
- (a) any surgical operation for destroying brain tissue or for destroying the functioning of brain tissue; and
 - (b) such other forms of treatment as may be prescribed for the purposes of this Article.
- (2) Subject to Article 68, a patient shall not be given any form of treatment to which this Article applies unless he has consented to it and—
- (a) a medical practitioner appointed for the purposes of this Part by [F1RQIA] (not being the responsible medical officer) and two other persons appointed for the purposes of this sub-paragraph by [F1RQIA] (not being medical practitioners) have certified in the prescribed form that the patient is capable of understanding the nature, purpose and likely effects of the treatment in question and has consented to it; and
 - (b) the medical practitioner referred to in sub-paragraph (a) has certified in the prescribed form that, having regard to the likelihood of the treatment alleviating or preventing a deterioration of the patient's condition, the treatment should be given.
- (3) Before giving a certificate under paragraph (2)(b) the medical practitioner concerned shall consult such person or persons as appear to him to be principally concerned with the patient's medical treatment.
- (4) A medical practitioner or other person appointed as is mentioned in paragraph (2)(a) may, for the purpose of exercising his functions under this Part or (as the case may be) paragraph (2)(a), at any reasonable time—
- (a) in private visit and interview any patient; and
 - (b) in the case of a medical practitioner, examine any patient and require the production of and inspect any records relating to the treatment of the patient.
- (5) Where any person has given a certificate under paragraph (2)(a) or (b) he shall immediately forward a copy thereof to [F1RQIA] .
- (6) Before making any regulations for the purpose of this Article the Department shall consult such bodies as appear to it to be concerned.

F1 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 63 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- art. 63(2) words substituted by [2016 c. 18 \(N.I.\) Sch. 8 para. 30\(2\)](#)
- art. 63(3) substituted by [2016 c. 18 \(N.I.\) Sch. 8 para. 30\(3\)](#)

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\(4\)](#)