

SCHEDULES

SCHEDULE 3

Article 70(1).

THE MENTAL HEALTH REVIEW TRIBUNAL FOR NORTHERN IRELAND

1. The Review Tribunal shall consist of—
- (a) a number of persons (referred to in this Schedule as “the legal members”) appointed by the [F1Northern Ireland Judicial Appointments Commission] and having such legal experience as the [F2[F3Department of Justice]] considers suitable [F4after consultation with the Lord Chief Justice];
 - (b) a number of persons (referred to in this Schedule as “the medical members”) being medical practitioners appointed by the [F5Northern Ireland Judicial Appointments Commission]F6. . . ; and
 - (c) a number of persons appointed by the [F1Northern Ireland Judicial Appointments Commission]F7. . . and having such experience in administration, such knowledge of [F8social care] or such other qualifications or experience as the [F2[F9Department of Justice]] considers suitable.

Annotations:

- F1** Words in Sch. 3 para. 1(a)(c) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7), Sch. 4 para. 20(2)(a) (with Sch. 5 para. 16); S.I. 2010/812, art. 2
- F2** Words in Sch. 3 para. 1(a)(c) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7), Sch. 4 para. 20(2)(b) (with Sch. 5 para. 16); S.I. 2010/812, art. 2
- F3** Words in Sch. 3 para. 1(a) substituted (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), ss. 1(5), 3(2), Sch. para. 6; S.R. 2010/147, art. 2(2)
- F4** Words in Sch. 3 para. 1(a) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 75(2)(a); S.I. 2006/1014, art. 2(a), Sch. 1 paras. 10, 12(a)
- F5** Words in Sch. 3 para. 1(b) substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7), Sch. 4 para. 20(3) (with Sch. 5 para. 16); S.I. 2010/812, art. 2
- F6** Words in Sch. 3 para. 1(b) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 146, 148(1), Sch. 5 para. 75(2)(b), Sch. 18 Pt. 3; S.I. 2006/1014, art. 2(a), Sch. 1 paras. 10, 12(a), 29, 30(c)
- F7** Words in Sch. 3 para. 1(c) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 146, 148(1), Sch. 5 para. 75(2)(b), Sch. 18 Pt. 3; S.I. 2006/1014, art. 2(a), Sch. 1 paras. 10, 12(a), 29, 30(c)
- F8** 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. 1(1)(a) (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, art. 2
- F9** Words in Sch. 3 para. 1(c) substituted (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), ss. 1(5), 3(2), Sch. para. 6; S.R. 2010/147, art. 2(2)

[F10]1A.—(1) The Lord Chief Justice may nominate any of the following to exercise his functions under sub-paragraph 1(a)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).

Changes to legislation: The Mental Health (Northern Ireland) Order 1986, SCHEDULE 3 is up to date with all changes known to be in force on or before 13 May 2018. 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)

(2) As part of the selection process for an appointment under paragraph 1(b) or (c) the Northern Ireland Judicial Appointments Commission shall consult the Head of the Department.]

Annotations:

F10 Sch. 3 para. 1A inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 75(3); S.I. 2006/1014, art. 2(a), Sch. 1 para. 10, 12(a)

2.—^{F11}(1) The members of the Review Tribunal shall hold and vacate office under the terms of the instrument under which they are appointed, but may resign office by notice in writing to the^{F12}Northern Ireland Judicial Appointments Commission]; and any such member who ceases to hold office shall be eligible for re-appointment.

^{F13}(2) The terms mentioned in sub-paragraph (1) are to be determined by the Northern Ireland Judicial Appointments Commission with the agreement of the ^{F14}Department of Justice.]

Annotations:

F11 Sch. 3 para. 2 renumbered (12.4.2010) as Sch. 3 para. 2(1) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7), Sch. 4 para. 20(4) (with Sch. 5 para. 16); S.I. 2010/812, art. 2

F12 Words in Sch. 3 para. 2 substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7), Sch. 4 para. 20(3) (with Sch. 5 para. 16); S.I. 2010/812, art. 2

F13 Sch. 3 para. 2(2) inserted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7), Sch. 4 para. 20(4) (with Sch. 5 para. 16); S.I. 2010/812, art. 2

F14 Words in Sch. 3 para. 2(2) substituted (12.4.2010) by Department of Justice Act (Northern Ireland) 2010 (c. 3), ss. 1(5), 3(2), Sch. para. 6; S.R. 2010/147, art. 2(2)

3. One of the legal members of the Review Tribunal shall be appointed by the^{F15}Northern Ireland Judicial Appointments Commission] as chairman of the tribunal and another legal member shall be so appointed as deputy chairman.

Annotations:

F15 Words in Sch. 3 para. 3 substituted (12.4.2010) by Northern Ireland Act 2009 (c. 3), ss. 2(3), 5(7), Sch. 4 para. 20(3) (with Sch. 5 para. 16); S.I. 2010/812, art. 2

4.—(1) Subject to sub-paragraph (2) and to rules made by the Lord Chancellor under Article 83(2)(b), the Review Tribunal when sitting for the purposes of any proceedings under this Order shall consist of a legal member, a medical member and a member who is neither a legal nor a medical member.

(2) If the chairman of the tribunal, either in a particular case or class of case or generally, so directs the Review Tribunal—

- (a) may, for the purposes of any proceedings, consist of one or more other members in addition to those referred to in sub-paragraph (1);
- (b) may, for the purposes of any proceedings which are of a preliminary, incidental or interlocutory nature, consist of one member.

5. The chairman of the Review Tribunal shall appoint the members who are to constitute the tribunal for the purpose of any proceedings under this Order.

6. Subject to any rules made by the Lord Chancellor under Article 83(4), where the chairman of the tribunal is included among the persons appointed under paragraph 5, he shall be president of the tribunal; and in any other case the president of the tribunal shall be such one of the members so appointed (being one of the legal members) as the chairman may nominate.

Changes to legislation:

The Mental Health (Northern Ireland) Order 1986, SCHEDULE 3 is up to date with all changes known to be in force on or before 13 May 2018. 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.

Changes and effects yet to be applied to :

- Sch. 3 title substituted by 2016 c. 18 (N.I.) Sch. 8 para. 71(2)
- Sch. 3 para. 4(1) words inserted by 2016 c. 18 (N.I.) Sch. 8 para. 3(a)
- Sch. 3 para. 4(1) words repealed by 2016 c. 18 (N.I.) Sch. 8 para. 3(b) Sch. 11
- Sch. 3 para. 5 words repealed by 2016 c. 18 (N.I.) Sch. 8 para. 4 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. 3 para. 7 inserted by 2016 c. 18 (N.I.) Sch. 8 para. 5
- Sch. 5 Pt. 2 repealed in part by S.I. 2003/435 (N.I.) Sch. 5 (text not available on Legislation.gov.uk)
- art. 3A-3D and cross-heading inserted by 2016 c. 18 (N.I.) Sch. 8 para. 4
- 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. 63A 63B 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. 83(9) inserted by 2016 c. 18 (N.I.) Sch. 8 para. 48(6)
- 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)