

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 [^{F1}Northern Ireland Judicial Appointments Commission] and having such legal experience as the [^{F2}[^{F3}Department of Justice]] considers suitable [^{F4}after 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 [^{F5}Northern Ireland Judicial Appointments Commission]^{F6}. . . ; and
 - (c) a number of persons appointed by the [^{F1}Northern Ireland Judicial Appointments Commission]^{F7}. . . and having such experience in administration, such knowledge of [^{F8}social care] or such other qualifications or experience as the [^{F2}[^{F9}Department 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- F6** Words in Sch. 3 para. 1(b) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 146, 148(1), Sch. 5 para. 75(2)(b), Sch. 18 Pt. 3; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras.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- F7** Words in Sch. 3 para. 1(c) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 146, 148(1), Sch. 5 para. 75(2)(b), Sch. 18 Pt. 3; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras.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).

(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:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Mental Health (Northern Ireland) Order 1986. Any changes that have already been made by the team 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):

- Pt. 5 art. 71 applied by S.R. 2012/403 reg. 3(5)(a)(i)-(iv) 4
- Pt. 5 art. 72 applied by S.R. 2012/403 reg. 3(5)(b)(i) 4
- Pt. 5 art. 73 applied by S.R. 2012/403 reg. 3(5)(c)(i) 4
- Pt. 5 art. 77 applied by S.R. 2012/403 reg. 3(5)(d) 4
- Pt. 5 art. 81 applied by S.R. 2012/403 reg. 3(5)(e)(i) 4
- Pt. 5 art. 82 applied by S.R. 2012/403 reg. 3(5)(f) 4
- Pt. V art. 77 applied by S.R. 2013/22 reg. 3(5)(d) 4
- Pt. V art. 82 applied by S.R. 2013/22 reg. 3(5)(f) 4
- Pt. V art. 71 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(5)(a) 4
- Pt. V art. 72 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(5)(b) 4
- Pt. V art. 73 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(5)(c) 4
- Pt. V art. 81 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(5)(e) 4
- Pt. 10 art. 124 applied by S.R. 2012/403 reg. 3(8)(a)(i) 4
- Pt. X art. 124 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(8) 4
- Pt. 2 art. 4 applied by S.R. 2012/403 reg. 3(3)(a) 4
- Pt. 2 art. 5 applied by S.R. 2012/403 reg. 3(3)(b) 4
- Pt. 2 art. 6 applied by S.R. 2012/403 reg. 3(3)(c) 4
- Pt. 2 art. 7 applied by S.R. 2012/403 reg. 3(3)(d) 4
- Pt. 2 art. 8 applied by S.R. 2012/403 reg. 3(3)(e) 4
- Pt. 2 art. 9 applied by S.R. 2012/403 reg. 3(3)(f) 4
- Pt. 2 art. 10 applied by S.R. 2012/403 reg. 3(3)(g) 4
- Pt. 2 art. 11 applied by S.R. 2012/403 reg. 3(3)(h) 4
- Pt. 2 art. 12 applied by S.R. 2012/403 reg. 3(3)(i) 4
- Pt. 2 art. 13 applied by S.R. 2012/403 reg. 3(3)(j) 4
- Pt. 2 art. 14 applied by S.R. 2012/403 reg. 3(3)(k) 4
- Pt. 2 art. 15 applied by S.R. 2012/403 reg. 3(3)(l) 4
- Pt. 2 art. 16 applied by S.R. 2012/403 reg. 3(3)(m) 4
- Pt. 2 art. 17 applied by S.R. 2012/403 reg. 3(3)(n) 4
- Pt. 2 art. 27 applied by S.R. 2012/403 reg. 3(3)(o)-(x) 4
- Pt. 2 art. 28 applied by S.R. 2012/403 reg. 3(3)(y)(i)-(iii) 4
- Pt. 2 art. 29 applied by S.R. 2012/403 reg. 3(3)(z)(i)-(iii) 4
- Pt. 2 art. 30 applied by S.R. 2012/403 reg. 3(3)(aa)(i)-(iv) 4
- Pt. 2 art. 32 applied by S.R. 2012/403 reg. 3(3)(bb) 4
- Pt. 2 art. 33 applied by S.R. 2012/403 reg. 3(3)(cc) 4
- Pt. 2 art. 34 applied by S.R. 2012/403 reg. 3(3)(dd) 4
- Pt. 2 art. 35 applied by S.R. 2012/403 reg. 3(3)(ee)(i) 4
- Pt. 2 art. 36 applied by S.R. 2012/403 reg. 3(3)(ff)(i)reg. 3(3)(ff)(ii) 4
- Pt. 2 art. 37 applied by S.R. 2012/403 reg. 3(3)(gg) 4
- Pt. 2 art. 38 applied by S.R. 2012/403 reg. 3(3)(hh) 4
- Pt. 2 art. 39 applied by S.R. 2012/403 reg. 3(3)(ii) 4

- Pt. 2 art. 40 applied by S.R. 2012/403 reg. 3(3)(jj)(i)reg. 3(3)(jj)(ii) 4
- Pt. 2 art. 41 applied by S.R. 2012/403 reg. 3(3)(jj)(iii)reg. 3(3)(jj)(iv) 4
- Pt. II art. 4 applied by S.R. 2013/22 reg. 3(3)(a) 4
- Pt. II art. 5 applied by S.R. 2013/22 reg. 3(3)(b) 4
- Pt. II art. 6 applied by S.R. 2013/22 reg. 3(3)(c) 4
- Pt. II art. 7 applied by S.R. 2013/22 reg. 3(3)(d) 4
- Pt. II art. 8 applied by S.R. 2013/22 reg. 3(3)(e) 4
- Pt. II art. 9 applied by S.R. 2013/22 reg. 3(3)(f) 4
- Pt. II art. 10 applied by S.R. 2013/22 reg. 3(3)(g) 4
- Pt. II art. 11 applied by S.R. 2013/22 reg. 3(3)(h) 4
- Pt. II art. 12 applied by S.R. 2013/22 reg. 3(3)(i) 4
- Pt. II art. 13 applied by S.R. 2013/22 reg. 3(3)(j) 4
- Pt. II art. 14 applied by S.R. 2013/22 reg. 3(3)(k) 4
- Pt. II art. 15 applied by S.R. 2013/22 reg. 3(3)(l) 4
- Pt. II art. 16 applied by S.R. 2013/22 reg. 3(3)(m) 4
- Pt. II art. 17 applied by S.R. 2013/22 reg. 3(3)(n) 4
- Pt. II art. 27 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(3)(o) 4
- Pt. IX art. 116 applied by S.R. 2013/22 reg. 3(7)(b) 4
- Pt. IX art. 117 applied by S.R. 2013/22 reg. 3(7)(c) 4
- Pt. IX art. 113 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(7)(a) 4
- Pt. IX art. 118 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(7)(d) 4
- Pt. 6 art. 86 applied by S.R. 2012/403 reg. 3(6)(a)(i)reg. 3(6)(a)(ii) 4
- Pt. VI art. 86 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(6) 4
- Pt. 11 art. 134 applied by S.R. 2012/403 reg. 3(9)(a)(i)-(vi) 4
- Pt. XI art. 134 applied (with mods.) reg. 4 by S.R. 2013/22 reg. 3(9) 4
- Pt. 00I applied by S.R. 2013/22 reg. 3(2) 4
- Pt. 9 art. 113 applied by S.R. 2012/403 reg. 3(7)(a)(i) 4
- Pt. 9 art. 116 applied by S.R. 2012/403 reg. 3(7)(b) 4
- Pt. 9 art. 117 applied by S.R. 2012/403 reg. 3(7)(c) 4
- Pt. 9 art. 118 applied by S.R. 2012/403 reg. 3(7)(d)(i) 4
- Sch. 3 para. 7 inserted by 2016 c. 18 (N.I.) Sch. 8 para. 5
- 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)

Commencement Orders yet to be applied to the The Mental Health (Northern Ireland) Order 1986

Commencement Orders bringing legislation that affects this Order into force:

- S.R. 2016/387 art. 2 commences (2015 c. 9 (N.I.))