
STATUTORY INSTRUMENTS

2004 No. 1272

The Mental Health (Amendment) (Northern Ireland) Order 2004

Amendment of Article 77(1) of the principal Order

3. In Article 77 of the principal Order (power to discharge patients other than restricted patients) for paragraph (1) there shall be substituted—

“(1) Where application is made to the Review Tribunal by or in respect of a patient who is liable to be detained under this Order, the tribunal may in any case direct that the patient be discharged, and shall so direct if—

- (a) the tribunal is not satisfied that he is then suffering from mental illness or severe mental impairment or from either of those forms of mental disorder of a nature or degree which warrants his detention in hospital for medical treatment; or
- (b) the tribunal is not satisfied that his discharge would create a substantial likelihood of serious physical harm to himself or to other persons; or
- (c) in the case of an application by virtue of Article 71(4)(a) in respect of a report furnished under Article 14(4)(b), the tribunal is satisfied that he would, if discharged, receive proper care.” .

Changes to legislation:

There are currently no known outstanding effects for the The Mental Health (Amendment) (Northern Ireland) Order 2004, Section 3.