
STATUTORY INSTRUMENTS

2004 No. 1272

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

Amendment of Article 78 of the principal Order

4. In Article 78 of the principal Order (power to discharge restricted patients subject to restriction orders) for paragraphs (1) and (2) there shall be substituted—

“(1) Where an application to the Review Tribunal is made by a restricted patient who is subject to a restriction order, or where the case of such a patient is referred to the tribunal, the tribunal shall direct the absolute discharge of the patient if—

- (a) the tribunal is not satisfied as mentioned in paragraph (1)(a) or (b) of Article 77;
and
- (b) the tribunal is satisfied that it is not appropriate for the patient to remain liable to be recalled to hospital for further treatment.

(2) Where in the case of any such patient as is mentioned in paragraph (1)—

- (a) sub-paragraph (a) of that paragraph applies; but
- (b) sub-paragraph (b) of that paragraph does not apply,

the tribunal shall direct the conditional discharge of the patient.”.