

SCHEDULES

SCHEDULE 8

Amendments of Mental Health Order

22.—(1) Article 36 (appointment by county court of acting nearest relative) is amended as follows.

(2) In paragraph (1) for the words from “the applicant” to the end substitute “a person specified in the order who—

- (a) is either the applicant or another person specified in the application (and is not the patient);
- (b) in the opinion of the court is a proper person to act as the patient’s nearest relative; and
- (c) is willing to do so.”.

(3) In paragraph (2) after “on the application of—” insert—

“(za) the patient;”.

(4) In paragraph (3)—

- (a) in sub-paragraph (c) omit “or a guardianship application”;
- (b) omit the word “or” after sub-paragraph (c);
- (c) in sub-paragraph (d) omit “or guardianship”;
- (d) after sub-paragraph (d) insert “or

(e) that the nearest relative of the patient is otherwise not a suitable person to act as such.”.

(5) In paragraph (4) for “(3)(a) or (b)” substitute “(3)(a), (b) or (e)”.