STATUTORY INSTRUMENTS

1986 No. 595 (N.I. 4)

The Mental Health (Northern Ireland) Order 1986

- - - 26th March 1986

THE MENTAL HEALTH (NORTHERN IRELAND) ORDER 1986

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SCHEDULE 1 — PERSONS BY WHOM A MEDICAL RECOMMENDATION OR MEDICAL REPORT UNDER ARTICLE 12 MAY NOT BE GIVEN

- 1. The applicant or a partner of, or person employed as an assistant by, the applicant.
- 2. A person who receives, or has an interest in the receipt of, any payments made
- 3. The spouse,
- 4. A person who is living with the patient as if he or she were the
- 5. A person with whom the patient ordinarily resides (or, if the patient is for the

SCHEDULE 2 — APPLICATION OF PART II TO PATIENTS DETAINED OR SUBJECT TO GUARDIANSHIP UNDER PART III

PART I — PATIENTS NOT SUBJECT TO SPECIAL RESTRICTIONS

- 1. Articles 15, 16, 17, 25, 26, 27, 30, 31, 32, 33, 34, 35 and 38
- 2. Articles 12, 13, 14, 22, 23, 24, 28, 29, 36 and 37 shall apply in
- 3. In Article 12—
- 4. In Article 13—
- 5. In Article 14 there shall be omitted—
- 6. In Article 22—
- 7. In Article 23—
- 8. In Article 24 there shall be omitted—
- 9. In Article 28—(a) in paragraph (2) for the words...
- 10. In Article 29 paragraph (4) shall be omitted.
- 11. In Article 36(3) sub-paragraphs (c) and (d) shall be omitted.
- 12. In Article 37(4) for sub-paragraphs (a) and (b) there shall be substituted the words

PART II — PATIENTS SUBJECT TO SPECIAL RESTRICTIONS

- 1. Articles 16, 17, 27, 32, 33, 35 and 38 shall apply in relation to the
- 2. Articles 12(4), 15, 28, 29, 34, 36 and 37 shall apply in relation to the
- 3. In Article 12(4) for the words from "report furnished" to the end there shall be
- 4. In Article 15—
- 5. In Article 28—
- 6. In Article 29 paragraphs (2) and (3) and (4) and the words "subject to paragraphs
- 7. In Article 34 paragraph (3) shall be omitted.
- 8. In Article 36(3) sub-paragraphs (c) and (d) shall be omitted.
- 9. In Article 37(4) for sub-paragraphs (a) and (b) there shall be substituted the words

SCHEDULE 2A — SUPERVISION AND TREATMENT ORDERS PART I — PRELIMINARY

1. In this Schedule "supervision and treatment order" means an order requiring the person in respect

PART II — MAKING AND EFFECT OF ORDERS

Circumstances in which orders may be made

2. The court shall not make a supervision and treatment order unless it is satisfied—

Making of orders and general requirements

3. (1) A supervision and treatment order shall either—

Obligatory requirements as to medical treatment

4. A supervision and treatment order shall include a requirement that the supervised person shall submit,

Optional requirements as to residence

5. Subject to sub-paragraphs (2) and (3), a supervision and treatment order may include requirements as

PART III — REVOCATION AND AMENDMENT OF ORDERS

Revocation of order in interests of health or welfare

6. Where a supervision and treatment order is in force in respect of any person and,

Amendment of order by reason of change of residence.

7. This paragraph applies where—

Amendment of requirements of order

8. Without prejudice to the provisions of paragraph 7, but subject to subparagraph (2), a court

Amendment of requirements in pursuance of medical report

9. Where the medical practitioner by whom or under whose direction the supervised person is being

Supplemental

- 10. On the making under paragraph 6 of an order revoking a supervision and treatment order,
- 11. On the making under paragraph 7 or 8 of an order amending a supervision and

SCHEDULE 3 — THE REVIEW TRIBUNAL

- 1. The Review Tribunal shall consist of—
- 1A The Lord Chief Justice may nominate any of the following to exercise his functions under
- 2. The members of the Review Tribunal shall hold and vacate office under the terms of

- 3. One of the legal members of the Review Tribunal shall be appointed by the
- 4. Subject to sub-paragraph (2)
- The chairman of the Review Tribunal shall appoint the members who are to constitute the
- 6. Subject to any rules made by the Lord Chancellor under Article 83(4), where the chairman
- In any proceedings which are to be heard and determined by the Review Tribunal constituted

SCHEDULE 4 —

Status

1. The Commission shall be a body corporate to which, subject to the provisions of this

Membership

2. The Commission shall consist of—

Tenure of office

3. Every member of the Commission—

Remuneration

4. The Commission may—

Disqualification of members of Commission for Northern Ireland Assembly

5. In Part II of Schedule 1 to the

Proceedings

6. Subject to the provisions of this Schedule, the meetings and proceedings of the Commission, and

Staff and accommodation

The Commission may—

Reports

8. The Commission shall publish a report on its activities in such form and at such

The seal

9. The application of the seal of the Commission shall be authenticated by the signature of

Execution of contracts and instruments not under seal

10. Any contract or instrument which, if entered into or executed by an individual, would not

Para. 11 rep. by 1996

Para. 11 rep. by 1996

— Schedule 5—Amendments

SCHEDULE 6 — TRANSITIONAL PROVISIONS

- 1. Where, apart from this paragraph, anything done under or for the purposes of any statutory
- 2. Where any period of time specified in any statutory provision repealed by this Order is
- 3. This paragraph applies where immediately before the appointed day an application for the admission of
- 4. This paragraph applies where immediately before the appointed day a patient is detained in hospital
- 5. This paragraph applies where immediately before the appointed day a patient is detained in hospital
- 6. This paragraph applies where immediately before the appointed day a patient is detained in hospital
- 7. This paragraph applies where immediately before the appointed day a patient is detained in hospital
- 8. This paragraph applies where immediately before the appointed day a patient is detained in hospital
- 9. Where on the appointed day a person who has not attained the age of 16
- 10. This paragraph applies where immediately before the appointed day a patient is subject to guardianship
- 11. Sections 20 and 22(5) of the 1961 Act shall continue to apply in relation to
- 12. In the case of a patient who is detained or subject to guardianship on the
- 13. Where at any time before the appointed day an application to the Review Tribunal has
- 14. Subject to sub-paragraphs (2) and (3), this Order applies to a patient who immediately before
- 15. Paragraph (3) of Article 64 shall not apply to any treatment given to a patient
- 16. A patient—
- 17. Article 73 applies only in relation to a renewal of authority for detention after the
- 18. Any reference to the Review Tribunal under section 54(6) of the 1961 Act in respect
- 20. The responsible Board shall as soon as practicable after the appointed day send to
- 21. Where immediately before the appointed day any person's estate was subject to the jurisdiction of
- 22. Any order or appointment made, direction or authority given, or thing done under the
- 23. Any person who immediately before the appointed day was the committee of the estate of
- 24. Any person who immediately before the appointed day was the committee of the person in
- 25. Article 103(1) shall apply in relation to any disposal of property (within the meaning of

- 26. Until the coming into operation of Article 115 for references in this Order and any
- 27. References to applications, recommendations, reports and other documents in Article 119 shall include those to
- 28. References in Article 133 to the acts to which that Article applies shall include those
- 29. Article 134(5) shall not apply in relation to a patient removed from Northern Ireland before
- 30. The chairman, deputy chairman and other members of the Review Tribunal appointed under Schedule 3
 Para. 31 rep. by 1987
- 32. The Department may by order subject to negative resolution make such other transitional provision as
- 33. In this Schedule—

— Schedule 7—Repeals

Changes to legislation:

The Mental Health (Northern Ireland) Order 1986 is up to date with all changes known to be in force on or before 16 April 2024. 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. View outstanding changes

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Changes and effects yet to be applied to:
      art. 77 heading words repealed by 2016 c. 18 (N.I.) Sch. 8 para. 44(2)Sch. 11
      Pt 3 repealed by 2016 c. 18 (N.I.) Sch. 8 para. 27Sch. 11
      Pt. 8 repealed by 2016 c. 18 (N.I.) Sch. 8 para. 54Sch. 11
      Pt. 2 heading words substituted by 2016 c. 18 (N.I.) Sch. 8 para. 5
      art. 40 heading words repealed by 2016 c. 18 (N.I.) Sch. 8 para. 25(a)Sch. 11
      art. 27 italic heading words repealed by 2016 c. 18 (N.I.) Sch. 8 para. 12Sch. 11
      Pt. 4 heading words inserted by 2016 c. 18 (N.I.) Sch. 8 para. 28
      Pt. 6 repealed by 2016 c. 18 (N.I.) Sch. 8 para. 50Sch. 11
      Sch. 2 repealed by 2016 c. 18 (N.I.) Sch. 8 para. 69Sch. 11
      Sch. 2A repealed by 2016 c. 18 (N.I.) Sch. 8 para. 70Sch. 11
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art. 127(2) repealed by 2016 c. 18 (N.I.) Sch. 8 para. 62Sch. 11
art. 128 repealed by 2016 c. 18 (N.I.) Sch. 8 para. 63Sch. 11
art. 129(1) words inserted by 2016 c. 18 (N.I.) Sch. 8 para. 64(2)(a)
art. 129(1) words substituted by 2016 c. 18 (N.I.) Sch. 8 para. 64(2)(b)
art. 129(3) repealed by 2016 c. 18 (N.I.) Sch. 8 para. 64(3)
art. 129(5) words substituted by 2016 c. 18 (N.I.) Sch. 8 para. 64(4)
art. 129(7) words repealed by 2016 c. 18 (N.I.) Sch. 8 para. 64(5)(b)
art. 129(7) words substituted by 2016 c. 18 (N.I.) Sch. 8 para. 64(5)(a)
art. 130 repealed by 2016 c. 18 (N.I.) Sch. 8 para. 65Sch. 11
art. 131(1) words substituted by 2016 c. 18 (N.I.) Sch. 8 para. 66
art. 132(1)(b) words repealed by 2016 c. 18 (N.I.) Sch. 8 para. 67(2)Sch. 11
art. 132(2) words repealed by 2016 c. 18 (N.I.) Sch. 8 para. 67(3)(a)Sch. 11
art. 132(2) words repealed by 2016 c. 18 (N.I.) Sch. 8 para. 67(3)(b)
art. 132(3) words repealed by 2016 c. 18 (N.I.) Sch. 8 para. 67(4)(a)Sch. 11
art. 132(3) words repealed by 2016 c. 18 (N.I.) Sch. 8 para. 67(4)(b)
art. 132(4) words substituted by 2016 c. 18 (N.I.) Sch. 8 para. 67(5)
art. 132(6) repealed by 2016 c. 18 (N.I.) Sch. 8 para. 67(6)Sch. 11
art. 133(1) repealed by 2016 c. 18 (N.I.) Sch. 8 para. 68(2)Sch. 11
art. 133(2) words substituted by 2016 c. 18 (N.I.) Sch. 8 para. 68(3)
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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

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Whole provisions yet to be inserted into this Order (including any effects on those
provisions):
      Sch. 5 Pt. 2 repealed in part by S.I. 2003/435 (N.I.) Sch. 5 (text not available on
      Legislation.gov.uk)
      Sch.05 Pt. 1 rev. in pt. by 1995 c. 35 s. 29(2)Sch. 3
      Sch. 5 Pt. 2 rev. in pt. by 1998 c. 47 s. 100(2)Sch. 15
      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. 52 rev. by 1996 c. 46 s. 35(2)Sch.7 Pt. 3
      art.52 rev. (DrosD.) by 1996 c. 46 s. 35(2)Sch.7 Pt.III
      art. 63A63B 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. 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)
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