

SCHEDULES

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 shall apply in relation to the patient without modification.
2. Articles 12, 13, 14, 22, 23, 24, 28, 29, 36 and 37 shall apply in relation to the patient with the modifications specified in paragraphs 3 to 12.
3. In Article 12—
 - (a) for paragraph (1) there shall be substituted—

“(1) Subject to the provisions of this Order, a patient admitted to hospital in pursuance of an order or direction under Part III may be detained in the hospital for treatment for a period not exceeding 6 months beginning with the date of the relevant order or direction under Part III, but shall not be so detained for any longer period unless the authority for his detention is renewed under Article 13.”;
 - (b) paragraphs (2) and (3) shall be omitted;
 - (c) in paragraph (4) for the words from “report furnished” to the end there shall be substituted the words “order or direction under Part III in pursuance of which a patient is admitted to hospital”;
 - (d) in paragraph (5) the words “a report under” where they first occur shall be omitted.
4. In Article 13—
 - (a) in paragraphs (2), (3) and (5) references to Article 12(1)(a), (b), (c) and (d) shall have effect as if paragraph 3(a) of this Part were omitted;
 - (b) in paragraph (4)(c) for the words from “who has not” to the end there shall be substituted the words “whose evidence has not been taken into account by a court before making an order under Part III in respect of the patient or, as the case may be, whose report has not been taken into account by the Secretary of State before giving a direction in respect of the patient under that Part”.
5. In Article 14 there shall be omitted—
 - (a) in paragraph (1), the reference to the nearest relative;
 - (b) paragraphs (4) to (7).
6. In Article 22—
 - (a) paragraphs (1), (2) and (4) shall be omitted;

Changes to legislation: *The Mental Health (Northern Ireland) Order 1986, PART I is up to date with all changes known to be in force on or before 03 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. (See end of Document for details) View outstanding changes*

- (b) in paragraph (3) for the words “received into guardianship in pursuance of a guardianship application” there shall be substituted the words “ placed under guardianship by a guardianship order ” and for the words “day on which the guardianship application was accepted” there shall be substituted the words “ date of the relevant guardianship order under Part III ”;
- (c) in paragraph (5) for the words “received into guardianship in pursuance of a guardianship application” there shall be substituted the words “ placed under guardianship by a guardianship order ” and for the words from “the guardianship application” to the end there shall be substituted the words “ the relevant guardianship order under Part III ”.

7. In Article 23—

- (a) in paragraph (2)(a) and (b) for the words “continues to apply” there shall be substituted the word “ applies ”;
- (b) in paragraph (2)(b) for the words “continue so to apply” there shall be substituted the words “ so apply ”;
- (c) in paragraph (5) for the words “the guardianship application, that application” there shall be substituted the words “ the relevant guardianship order under Part III, that order ”.

8. In Article 24 there shall be omitted—

- (a) in paragraph (1), the reference to the nearest relative;
- (b) paragraphs (4) to (7).

9. In Article 28—

- (a) in paragraph (2) for the words from “as if” to the end there shall be substituted the words “ as if [^{F1}the trust] had designated under Article 46(2)(a) the hospital to which he is transferred ”;
- (b) paragraphs (3) and (4) shall be omitted;
- (c) in paragraph (6) for the words from “guardianship application” to the end there shall be substituted the words “ guardianship order under Part III by virtue of which he was subject to guardianship before being transferred were an order placing him under the guardianship of the person into whose guardianship he is transferred ”;
- (d) in paragraph (7) for the words from “application for assessment” to the end there shall be substituted the words “ order or direction under Part III by virtue of which he was liable to be detained in hospital before being transferred were an order placing him under the guardianship of the person into whose guardianship he is transferred ”.

F1 Words in Sch. 2 Pt. I para. 9(a) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 100\(2\)](#); S.R. 2022/102, art. 2(b)

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 “ when the patient ceases to be liable to be detained or subject to guardianship under this Order (otherwise than on being transferred by virtue of Article 28) ”.

Changes to legislation:

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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):

- 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\(4\)](#)