
STATUTORY INSTRUMENTS

1986 No. 595

The Mental Health (Northern Ireland) Order 1986

PART II

COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

Detention in hospital for treatment

Discharge of patient from detention

14.—(1) Subject to the following provisions of this Article, a patient who is for the time being liable to be detained under this Part shall cease to be so liable if an order in writing discharging him from detention is made in respect of him by the responsible medical officer, the responsible^[F1] authority] or his nearest relative.

(2) The responsible medical officer shall make an order under paragraph (1) in respect of a patient liable to be detained under this Part where he is satisfied—

- (a) that the patient is no longer suffering from mental illness or severe mental impairment of a nature or degree which warrants his detention in hospital for medical treatment; or
- (b) that, having regard to the care which would be available for the patient if he were discharged, the discharge would not create a substantial likelihood of serious physical harm to himself or to other persons.

(3) The responsible medical officer shall not make an order under paragraph (1) in respect of a patient detained in any special accommodation unless the responsible^[F1] authority] consents to the discharge of the patient.

(4) An order under paragraph (1) in respect of a patient who is liable to be detained under this Part shall not be made by his nearest relative except after giving not less than 72 hours' notice in writing to the responsible^[F1] authority]; and if, within 72 hours after such notice has been given, the responsible medical officer furnishes to that^[F1] authority] a report in writing certifying—

- (a) that, in the opinion of that officer, the patient is suffering from mental illness or severe mental impairment of a nature or degree which warrants his detention in hospital for medical treatment and that the discharge of the patient would create a substantial likelihood of serious physical harm to himself or to other persons; or
 - (b) that that officer is not satisfied that the patient, if discharged, would receive proper care;
- then—
- (i) any order under paragraph (1) made by that relative in pursuance of the notice shall be of no effect; and
 - (ii) a further order for the discharge of the patient shall not be made by that relative during the period of 6 months beginning with the date of the report.

Status: Point in time view as at 01/01/2006. This version of this provision has been superseded.

Changes to legislation: The Mental Health (Northern Ireland) Order 1986, Section 14 is up to date with all changes known to be in force on or before 18 August 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)

(5) Where, but for this paragraph, a Sunday or any part thereof would be reckoned in the period of 72 hours referred to in paragraph (4), for the references in that paragraph to 72 hours there shall be substituted references to 96 hours.

(6) For the purpose of advising as to the exercise by the nearest relative of a patient who is liable to be detained under this Part of any power to order his discharge, any medical practitioner authorised by or on behalf of the nearest relative may—

- (a) at any reasonable time visit the patient and examine him in private; and
- (b) require the production of and inspect any records relating to the detention or treatment of the patient in any hospital.

(7) Where a report is furnished under paragraph (4) in respect of a patient, the responsible^[F1] authority] shall immediately—

- (a) inform the nearest relative of the patient; and
- (b) forward a copy of the report to the Commission.

(8) Where a patient is discharged from detention under this Article the responsible^[F1] authority] shall immediately inform the Commission to that effect.

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Status:

Point in time view as at 01/01/2006. This version of this provision has been superseded.

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