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STATUTORY INSTRUMENTS

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**1986 No. 595**

**The Mental Health (Northern Ireland) Order 1986**

**PART IX N.I.**

**MISCELLANEOUS FUNCTIONS OF DEPARTMENT  
[<sup>F1</sup>, THE REGIONAL AGENCY AND HSC TRUSTS]**

***Powers of [<sup>F1</sup>HSC trusts] in relation to property of patients N.I.***

**116.**—[<sup>F2</sup>(1) Subject to paragraphs (4) and (5), where it appears to [<sup>F3</sup>an HSC trust] that any patient in any hospital or in any accommodation managed by it is incapable, by reason of mental disorder, of managing and administering his property and affairs, [<sup>F4</sup>the trust] may receive and hold money and valuables on behalf of that patient.]

(2) A receipt or discharge given by [<sup>F5</sup>a trust]<sup>F2</sup>. . . for any such money or valuables shall be treated as a valid receipt or discharge given by the patient.

(3) Where [<sup>F6</sup>a trust]<sup>F2</sup>. . . holds money or valuables on behalf of a person in pursuance of paragraph (1), it may expend that money or dispose of those valuables for the benefit of that person and in the exercise of the powers conferred by this paragraph [<sup>F7</sup>the trust]<sup>F2</sup>. . . shall have regard to the sentimental value that any article may have for the patient, or would have but for his mental disorder.

(4) [<sup>F8</sup>A trust]<sup>F2</sup>. . . shall not receive or hold under paragraph (1) on behalf of any one patient without the consent of [<sup>F9</sup>RQIA] money or valuables exceeding in the aggregate such sum as the Department may from time to time determine.

(5) Paragraph (1) shall not apply where a controller has been appointed in Northern Ireland in relation to the property and affairs of the patient.

<sup>F10</sup>(6) . . . . .

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| <b>F1</b> | Words in art. 116 heading substituted (1.4.2022) by <a href="#">Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 94(7)</a> ; S.R. 2022/102, art. 2(b) |
| <b>F2</b> | 1994 NI 2  |
| <b>F3</b> | Words in art. 116(1) substituted (1.4.2022) by <a href="#">Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 94(2)(a)</a> ; S.R. 2022/102, art. 2(b)   |
| <b>F4</b> | Words in art. 116(1) substituted (1.4.2022) by <a href="#">Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 94(2)(b)</a> ; S.R. 2022/102, art. 2(b)   |
| <b>F5</b> | Words in art. 116(2) substituted (1.4.2022) by <a href="#">Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 94(3)</a> ; S.R. 2022/102, art. 2(b)      |
| <b>F6</b> | Words in art. 116(3) substituted (1.4.2022) by <a href="#">Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 94(4)(a)</a> ; S.R. 2022/102, art. 2(b)   |
| <b>F7</b> | Words in art. 116(3) substituted (1.4.2022) by <a href="#">Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 94(4)(b)</a> ; S.R. 2022/102, art. 2(b)   |
| <b>F8</b> | Words in art. 116(4) substituted (1.4.2022) by <a href="#">Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 94(5)</a> ; S.R. 2022/102, art. 2(b)      |

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**Changes to legislation:** *The Mental Health (Northern Ireland) Order 1986, Section 116 is up to date with all changes known to be in force on or before 03 July 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*

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- F9** Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 8(1)** (subject to Sch. 6 para. 8(2)-(4)); S.R. 2009/114, **art. 2**
- F10** Art. 116(6) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 94(6)**; S.R. 2022/102, art. 2(b)

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**Modifications etc. (not altering text)**

- C1** Art. 116 applied (31.3.2013) by Mental Health (Private Hospitals) Regulations (Northern Ireland) 2012 (S.R. 2012/403), regs. 1, **3(7)(b)**, 4
- C2** Art. 116 applied (31.3.2013) by Mental Health (Private Hospitals) Regulations (Northern Ireland) 2013 (S.R. 2013/22), regs. 1, **3(7)(b)**, 4

**Changes to legislation:**

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[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- [art. 116\(1\) words inserted by 2016 c. 18 \(N.I.\) Sch. 8 para. 57\(2\)](#)
- [art. 116\(5\) words substituted by 2016 c. 18 \(N.I.\) Sch. 8 para. 57\(3\)](#)

**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\(4\)](#)