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## STATUTORY INSTRUMENTS

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# 1986 No. 595

## The Mental Health (Northern Ireland) Order 1986

### PART II

#### COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

##### *Detention in hospital for treatment*

##### ***Detention for treatment***

12.—(1) Where, during the period for which a patient is detained for assessment by virtue of Article 9(8), he is examined by a medical practitioner appointed for the purposes of this Part by [F1RQIA] and that medical practitioner furnishes to the responsible [F2 authority] in the prescribed form a report of the examination stating—

- (a) that, in his opinion, 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
- (b) that, in his opinion, failure to so detain the patient would create a substantial likelihood of serious physical harm to himself or to other persons; and
- (c) such particulars as may be prescribed of the grounds for his opinion so far as it relates to the matters set out in sub-paragraph (a); and
- (d) the evidence for his opinion so far as it relates to the matters set out in sub-paragraph (b), specifying whether other methods of dealing with the patient are available and, if so, why they are not appropriate,

that report shall be [F2 sufficient authority for the responsible authority to detain the patient] in the hospital for medical treatment and the patient may, subject to the provisions of this Order, be so detained for a period not exceeding 6 months beginning with the date of admission, but shall not be so detained for any longer period unless the authority for his detention is renewed under Article 13.

(2) A report under paragraph (1) shall not be given by—

- (a) the medical practitioner who gave the medical recommendation on which the application for assessment is founded; or
- (b) any of the persons described in Schedule 1.

(3) Where a patient is detained in a hospital for treatment by virtue of a report under paragraph (1), any previous application under this Part by virtue of which he was subject to guardianship shall cease to have effect.

(4) The responsible [F2 authority] shall immediately forward to [F1RQIA] a copy of any report furnished to the [F2 authority] under paragraph (1).

(5) In this Order “detained for treatment”, in relation to a patient, means detained in a hospital for medical treatment by virtue of a report under paragraph (1) or by virtue of a report under Article 13(2), (3) or (5).

**Changes to legislation:** *The Mental Health (Northern Ireland) Order 1986, Section 12 is up to date with all changes known to be in force on or before 03 June 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*

- F1** 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**
- F2** 1994 NI 2

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

- C1** Pt. 2 modified (temp.) (2.4.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(2), **Sch. 10 para. 3(2)(a)** (with ss. 88-90, [Sch. 10 para. 2](#)); S.R. 2020/58, art. 2(c)
- C2** Pt. II expiry of earlier affecting provision 2020 c. 7, Sch. 10 paras. 3-13 (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)
- C3** Art. 12 applied (31.3.2013) by [Mental Health \(Private Hospitals\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/22\)](#), regs. 1, **3(3)(i)**, 4
- C4** Art. 12 applied (31.3.2013) by [Mental Health \(Private Hospitals\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/403\)](#), regs. 1, **3(3)(i)**, 4
- C5** Art. 12 expiry of earlier affecting provision 2020 c. 7, Sch. 10 paras. 3-13 (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), s. 89 (with s. 90)
- C6** Art. 12(1) applied (with modifications) (temp.) (2.4.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(2), [Sch. 10 para. 8\(2\)\(3\)](#) (with ss. 88-90, [Sch. 10 para. 2](#)); S.R. 2020/58, art. 2(c)
- C7** Art. 12(2) applied (temp.) (2.4.2020) by [Coronavirus Act 2020 \(c. 7\)](#), s. 87(2), **Sch. 10 para. 8(4)** (with ss. 88-90, [Sch. 10 para. 2](#)); S.R. 2020/58, art. 2(c)

**Changes to legislation:**

The Mental Health (Northern Ireland) Order 1986, Section 12 is up to date with all changes known to be in force on or before 03 June 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.

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

- [art. 12\(3\)](#) repealed by [2016 c. 18 \(N.I.\) Sch. 8 para. 8](#)[Sch. 11](#)

**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\(4\)](#)