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## STATUTORY INSTRUMENTS

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# 1986 No. 595

## The Mental Health (Northern Ireland) Order 1986

### PART XI

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Miscellaneous*

##### ***Patients removed to or from Northern Ireland***

**134.**—(1) Where a patient is admitted to a hospital in Northern Ireland or received into guardianship there in pursuance of arrangements under Part VI of the 1983 Act or<sup>[F1]</sup> admitted to hospital in Northern Ireland under article 4 of the 2005 Order], the responsible medical officer shall, within 28 days of such admission or reception, furnish to the responsible<sup>[F2]</sup> authority] a report in the prescribed form stating the form of mental disorder from which, in the opinion of the responsible medical officer, the patient is suffering; and where a report is so furnished, the patient shall be treated for the purposes of this Order as suffering from such form of mental disorder as may be stated in the report.

(2) Where a patient has been admitted to a hospital or received into guardianship as mentioned in paragraph (1), the responsible<sup>[F2]</sup> authority] shall immediately notify <sup>[F3]</sup>RQIA] to that effect and as soon as practicable forward to <sup>[F3]</sup>RQIA] a copy of the report relating to the patient made in pursuance of that paragraph.

(3) The power to make regulations under Article 135 includes power to make regulations in respect of the application of this Order to patients removed to Northern Ireland under Part VI of the 1983 Act or<sup>[F1]</sup> regulations made under section 290 of the Mental Health (Care and Treatment) (Scotland) Act 2003].

(4) Subject to paragraph (5), where a patient liable to be detained or subject to guardianship by virtue of an application, report, order or direction under Part II or III (other than Articles 42, 43 or 45) is removed from Northern Ireland in pursuance of arrangements under Part VI of the 1983 Act or<sup>[F1]</sup> article 6 of the 2005 Order], the application, report, order or direction shall cease to have effect when he is duly received into a hospital or other institution, or placed under guardianship<sup>[F1]</sup> or, where he is not received into a hospital but his detention in hospital is authorised by virtue of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995], in pursuance of those arrangements.

(5) Where the Secretary of State exercises his powers under section 86 of the 1983 Act in respect of a patient who is detained pursuant to a hospital order and in respect of whom a restriction order is in force, those orders shall continue in force so as to apply to the patient if he returns to Northern Ireland at any time before the end of the period for which those orders would have continued in force.

(6) Where the Secretary of State or the Department authorises the removal from Northern Ireland of a patient under Part VI of the 1983 Act or<sup>[F1]</sup> article 6 of the 2005 Order], the Secretary of State or

**Changes to legislation:** The Mental Health (Northern Ireland) Order 1986, Section 134 is up to date with all changes known to be in force on or before 19 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

the Department shall send notification of that authorisation to [<sup>F3</sup>RQIA] and to the nearest relative of the patient not less than 7 days before the date of the removal of the patient.

(7) In this Article—

“the 1983 Act” means the Mental Health Act 1983;

*Definition rep. by SI 2005/2078*

[<sup>F1</sup>“the 2005 Order” means the Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005.]

[<sup>F1</sup>(8) Reference in this Article to a patient whose detention in hospital is authorised by virtue of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995, shall be read as including references to a patient in respect of whom a certificate under one of the provisions listed in section 290(7)(a) of the Act of 2003 is in operation.]

**F1** SI 2005/2078

**F2** 1994 NI 2

**F3** 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**

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

**C1** [Art. 134](#) applied (with modifications.) (31.3.2013) by [Mental Health \(Private Hospitals\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/22\)](#), regs. 1, **3(9)**, 4

**C2** [Art. 134](#) applied (with modifications) (31.3.2013) by [Mental Health \(Private Hospitals\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/403\)](#), regs. 1, **3(9)(a)(i)-(vi)**, 4

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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\(4\)](#)