
STATUTORY INSTRUMENTS

1986 No. 595

The Mental Health (Northern Ireland) Order 1986

PART II

COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

Guardianship

Renewal of authority for guardianship

23.—(1) Authority for the guardianship of a patient may, unless the patient has previously been discharged, be renewed under this Article—

- (a) from the expiration of the period referred to in Article 22(3), for a further period of 6 months;
- (b) from the expiration of any period of renewal under sub-paragraph (a), for a further period of one year,

and so on for periods of one year at a time.

(2) Within the period of 2 months ending with the day on which a patient who is subject to guardianship under this Part would cease under Article 22(3) or this Article to be so liable in default of the renewal of the authority for his guardianship—

- (a) the responsible medical officer shall examine the patient or obtain from another medical practitioner a report on the condition of the patient; and, if it appears to him that the ground set out in Article 18(2)(a) continues to apply in relation to the patient, he shall furnish to such approved social worker as the responsible^[F1] authority] may direct a report to that effect in the prescribed form along with the report first mentioned if such a report has been obtained; and
- (b) that approved social worker shall consider whether the ground set out in Article 18(2)(b) continues to apply in relation to the patient; and if it appears to him that it does continue so to apply, he shall furnish to the responsible^[F1] authority] a report to that effect in the prescribed form along with the report or reports furnished to him under sub-paragraph (a).

(3) Where a report is duly furnished to the responsible^[F1] authority] under paragraph (2)(b), the authority for the guardianship of the patient shall be thereby renewed for the period prescribed in that case by paragraph (1).

(4) Where a report under paragraph (2)(b) is furnished to the responsible^[F1] authority], it shall, unless it discharges the patient—

- (a) cause him, his nearest relative and his guardian to be informed;
- (b) forward to ^[F2]RQIA] a copy of the report and of the report or reports referred to in paragraph (2)(a).

Changes to legislation: The Mental Health (Northern Ireland) Order 1986, Section 23 is up to date with all changes known to be in force on or before 26 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

(5) Where the form of mental disorder specified in a report furnished under paragraph (2)(a) is a form of disorder other than that specified in the guardianship application, that application shall have effect as if that other form of mental disorder were specified in it.

F1 1994 NI 2

F2 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**

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Changes and effects yet to be applied to :

- [art. 18-26 repealed by 2016 c. 18 \(N.I.\) Sch. 8 para. 11](#)[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\(4\)](#)