
STATUTORY INSTRUMENTS

1986 No. 595

The Mental Health (Northern Ireland) Order 1986

PART IV

CONSENT TO TREATMENT

Treatment requiring consent or a second opinion

- 64.**—(1) This Article applies to the following forms of medical treatment for mental disorder—
- (a) such forms of treatment as may be prescribed for the purposes of this Article; and
 - (b) the administration of medicine to a patient by any means (not being a form of treatment prescribed under sub-paragraph (a) or Article 63) at any time during a period for which he is liable to be detained as a patient to whom this Article applies if [^{F1}six months] or more have elapsed since the first occasion in that period when medicine was administered to him by any means for his mental disorder.
- (2) The Department may by order vary the length of the period mentioned in paragraph (1)(b).
- (3) Subject to Article 68, a patient shall not be given any form of treatment to which this Article applies unless—
- (a) he has consented to that treatment and either the responsible medical officer or a medical practitioner appointed for the purposes of this Part by [^{F2}RQIA] has certified in the prescribed form that the patient is capable of understanding its nature, purpose and likely effects and has consented to it; or
 - (b) subject to paragraph (4), a medical practitioner appointed as aforesaid (not being the responsible medical officer) has certified in the prescribed form that the patient is not capable of understanding the nature, purpose and likely effects of that treatment or has not consented to it but that, having regard to the likelihood of its alleviating or preventing a deterioration of his condition, the treatment should be given.
- (4) In relation to any form of treatment mentioned in paragraph (1)(b), a certificate under paragraph (3)(b) may also be given by a medical practitioner appointed by [^{F2}RQIA] for the purposes of Part II (not being the responsible medical officer).
- (5) Before giving a certificate under paragraph (3)(b) the medical practitioner concerned shall consult such person or persons as appear to him to be principally concerned with the patient's medical treatment.
- (6) Where any person has given a certificate under paragraph (3)(a) or (b) he shall immediately forward a copy thereof to [^{F2}RQIA].
- (7) Before making any regulations for the purposes of this Article the Department shall consult such bodies as appear to it to be concerned.

F1 Words in art. 64(1)(b) substituted (18.1.2021) by [The Mental Health \(1986 Order\) \(Amendment\) Order \(Northern Ireland\) 2021 \(S.R. 2021/8\)](#), arts. 1, 2

Status: Point in time view as at 18/01/2021. This version of this provision has been superseded.

Changes to legislation: The Mental Health (Northern Ireland) Order 1986, Section 64 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)

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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