
STATUTORY INSTRUMENTS

1986 No. 595

The Mental Health (Northern Ireland) Order 1986

PART II

COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

Admission to hospital for assessment

Application for assessment in respect of patient already in hospital

7.—(1) An application for assessment may be made under this Part notwithstanding that a patient is already an in-patient in a hospital who is not liable to be detained there under this Order; and where an application is so made the patient shall be treated for the purposes of this Part as if he had been admitted to the hospital at the time when that application was received by the responsible [F1authority].

(2) If, where a patient is an in-patient in a hospital, but is not liable to be detained there under this Order, it appears to a medical practitioner on the staff of the hospital that an application for assessment ought to be made in respect of the patient, he may furnish to the responsible [F1authority] a report in the prescribed form to that effect; and where he does so, the patient may be detained in the hospital for a period not exceeding [F248 hours][F2120 hours] from the time when the report is so furnished.

(3) If, where a patient is receiving treatment for mental disorder as an in-patient in a hospital, but is not liable to be detained there under this Order, it appears to a nurse of the prescribed class—

- (a) that an application for assessment ought to be made in respect of the patient; and
- (b) that it is not practicable to secure the immediate attendance of a medical practitioner for the purpose of furnishing a report under paragraph (2),

the nurse may record that fact in the prescribed form; and in that event the patient may be detained in the hospital for a period of [F36 hours][F312 hours] from the time when that fact is so recorded or until the earlier arrival at the place where the patient is detained of a medical practitioner having power to furnish a report under that paragraph.

(4) A record made under paragraph (3) shall be delivered by the nurse to the responsible [F1authority] as soon as possible after it is made.

(5) Where a record is made under paragraph (3) the period mentioned in paragraph (2) shall begin at the time when it is made.

(6) A patient who has been detained in a hospital under paragraph (2) or paragraph (3) shall not be further detained under the same paragraph immediately after the expiry of that period of detention.

(7) The responsible [F1authority] shall immediately forward to [F4RQIA] a copy of any report furnished to the [F1authority] under paragraph (2) and of any record delivered to the [F1authority] under paragraph (4).

Status: Point in time view as at 10/05/2021. This version of this provision has been superseded.

Changes to legislation: The Mental Health (Northern Ireland) Order 1986, Section 7 is up to date with all changes known to be in force on or before 02 August 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)

- F1** 1994 NI 2
- F2** Words in art. 7(2) substituted (temp.) (2.4.2020) by virtue of Coronavirus Act 2020 (c. 7), s. 87(2), **Sch. 10 para. 5(1)** (with ss. 88-90, Sch. 10 paras. 2, 16); S.R. 2020/58, art. 2(c)
- F3** Words in art. 7(3) substituted (temp.) (2.4.2020) by virtue of Coronavirus Act 2020 (c. 7), s. 87(2), **Sch. 10 para. 5(2)** (with ss. 88-90, Sch. 10 paras. 2, 16); S.R. 2020/58, art. 2(c)
- F4** 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. 7 applied (31.3.2013) by Mental Health (Private Hospitals) Regulations (Northern Ireland) 2013 (S.R. 2013/22), regs. 1, **3(3)(d)**, 4
- C2** Art. 7 applied (31.3.2013) by Mental Health (Private Hospitals) Regulations (Northern Ireland) 2012 (S.R. 2012/403), regs. 1, **3(3)(d)**, 4

Status:

Point in time view as at 10/05/2021. This version of this provision has been superseded.

Changes to legislation:

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