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*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: The Mental Health (Northern Ireland) Order 1986, Cross Heading: Applications and references concerning Part III patients is up to date with all changes known to be in force on or before 01 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)*

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## STATUTORY INSTRUMENTS

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# 1986 No. 595

## The Mental Health (Northern Ireland) Order 1986

### PART V

#### THE MENTAL HEALTH REVIEW TRIBUNAL FOR NORTHERN IRELAND

##### *Applications and references concerning Part III patients*

##### ***Applications and references to the tribunal concerning patients subject to hospital and guardianship orders, other than restricted patients***

74.—(1) Articles 71(3), 72 and 73 shall apply in relation to a patient admitted to a hospital in pursuance of a hospital order or placed under guardianship by a guardianship order as they apply to a patient detained in hospital or subject to guardianship under Part II.

(2) Without prejudice to paragraph (1), an application to the Review Tribunal may also be made in respect of a patient admitted to a hospital in pursuance of a hospital order or placed under guardianship by a guardianship order, as follows, that is to say—

- (a) by the patient, within the period of 6 months beginning with the date of the order; and
- (b) by the nearest relative of the patient, within the period of 12 months beginning with the date of the order and in any subsequent period of 12 months.

(3) In this Article any reference to a hospital order or guardianship order shall include a reference to any order or direction under Part III or any other statutory provision having the same effect as such an order.

(4) This Article does not apply in the case of a patient who is a restricted patient within the meaning of Article 84.

##### ***Applications to the tribunal concerning restricted patients***

75. A patient who is a restricted patient within the meaning of Article 84 and is detained in a hospital may apply to the Review Tribunal—

- (a) within the period of 6 months beginning with the date of the relevant hospital order or transfer direction;
- (b) within the period between the expiration of 6 months and the expiration of 12 months beginning with the date of the relevant hospital order or transfer direction; and
- (c) within any subsequent period of 12 months.

##### ***References by Secretary of State concerning restricted patients***

76.—(1) The Secretary of State may at any time refer the case of a restricted patient to the Review Tribunal.

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- (2) The Secretary of State shall refer to the Review Tribunal the case of any restricted patient detained in a hospital whose case has not been considered by the tribunal, whether on his own application or otherwise, within the last 2 years.
- (3) The Secretary of State may by order vary the length of the period mentioned in paragraph (2).

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