

**Status:** Point in time view as at 01/01/2006. This version of this schedule contains provisions that are not valid for this point in time.

**Changes to legislation:** The Mental Health (Northern Ireland) Order 1986, SCHEDULE 3 is up to date with all changes known to be in force on or before 05 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)

## SCHEDULES

### SCHEDULE 3

Article 70(1).

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

1. The Review Tribunal shall consist of—
  - (a) a number of persons (referred to in this Schedule as “the legal members”)<sup>F1</sup> appointed by the Lord Chancellor and having such legal experience as the<sup>F2</sup> Lord Chancellor considers suitable<sup>F3</sup>;
  - (b) a number of persons (referred to in this Schedule as “the medical members”) being medical practitioners<sup>F1</sup> appointed by the Lord Chancellor<sup>F4</sup> after consultation with the Head of the Department; and
  - (c) a number of persons<sup>F1</sup> appointed by the Lord Chancellor<sup>F4</sup> after consultation with the Head of the Department and having such experience in administration, such knowledge of social services or such other qualifications or experience as the<sup>F2</sup> Lord Chancellor considers suitable.

**F1** By [Justice \(Northern Ireland\) Act 2002 \(c. 26\), ss. 5, 87, Sch. 3 para. 39\(2\)\(a\)](#) it is provided that for the words "appointed by the Lord Chancellor" there shall be substituted (prosp.) "appointed by the First Minister and deputy First Minister, acting jointly," in Sch. 3 para. 1. (This amendment does not come into operation before the said amending Sch. 3 is subsequently substituted (12.4.2010) by the [Northern Ireland Act 2009 \(c. 3\), Sch. 3 para. 13](#); S.I. 2010/812, [art. 2](#). The new Sch. 3 of the [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#) does not amend other legislation, therefore this amendment never comes into operation.)

**F2** By [Justice \(Northern Ireland\) Act 2002 \(c. 26\), ss. 5, 87, Sch. 3 para. 39\(2\)\(b\)](#) it is provided that for the words "Lord Chancellor considers" there shall be substituted (prosp.) "First Minister and deputy First Minister consider" in Sch. 3 para. 1. This amendment does not come into operation before the said amending Sch. 3 is subsequently substituted (12.4.2010) by the [Northern Ireland Act 2009 \(c. 3\), Sch. 3 para. 13](#); S.I. 2010/812, [art. 2](#). The new Sch. 3 of the [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#) does not amend other legislation, therefore this amendment never comes into operation.)

**F3** prosp. insertion by [2005 c. 4](#)

**F4** prosp. rep. by [2005 c. 4](#)

VALID FROM 03/04/2006

[<sup>F5</sup>1A.—(1) The Lord Chief Justice may nominate any of the following to exercise his functions under sub-paragraph 1(a)—

- (a) the holder of one of the offices listed in Schedule 1 to the [Justice \(Northern Ireland\) Act 2002](#);
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).

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(2) As part of the selection process for an appointment under paragraph 1(b) or (c) the Northern Ireland Judicial Appointments Commission shall consult the Head of the Department.]

**F5** Sch. 3 para. 1A inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 75(3); S.I. 2006/1014, art. 2(a), Sch. 1 para. 10, 12(a)

2. The members of the Review Tribunal shall hold and vacate office under the terms of the instrument under which they are appointed, but may resign office by notice in writing to the<sup>F6</sup> Lord Chancellor; and any such member who ceases to hold office shall be eligible for re-appointment.

**F6** By Justice (Northern Ireland) Act 2002 (c. 26), ss. 5, 87, Sch. 3 para. 39(3) it is provided that for the words "Lord Chancellor" there shall be substituted (prosp.) "Office of the First Minister and deputy First Minister" in Sch. 3 para. 2. (This amendment does not come into operation before the said amending Sch. 3 is subsequently substituted (12.4.2010) by the Northern Ireland Act 2009 (c. 3), Sch. 3 para. 13; S.I. 2010/812, art. 2. The new Sch. 3 of the Justice (Northern Ireland) Act 2002 (c. 26) does not amend other legislation, therefore this amendment never comes into operation.)

3. One of the legal members of the Review Tribunal shall be appointed by the<sup>F7</sup> Lord Chancellor as chairman of the tribunal and another legal member shall be so appointed as deputy chairman.

**F7** By Justice (Northern Ireland) Act 2002 (c. 26), ss. 5, 87, Sch. 3 para. 39(4) it is provided that for the words "Lord Chancellor" there shall be substituted (prosp.) "First Minister and deputy First Minister, acting jointly," in Sch. 3 para. 3. (This amendment does not come into operation before the said amending Sch. 3 is subsequently substituted (12.4.2010) by the Northern Ireland Act 2009 (c. 3), Sch. 3 para. 13; S.I. 2010/812, art. 2. The new Sch. 3 of the Justice (Northern Ireland) Act 2002 (c. 26) does not amend other legislation, therefore this amendment never comes into operation.)

4.—(1) Subject to sub-paragraph (2) and to rules made by the Lord Chancellor under Article 83(2)(b), the Review Tribunal when sitting for the purposes of any proceedings under this Order shall consist of a legal member, a medical member and a member who is neither a legal nor a medical member.

(2) If the chairman of the tribunal, either in a particular case or class of case or generally, so directs the Review Tribunal—

- (a) may, for the purposes of any proceedings, consist of one or more other members in addition to those referred to in sub-paragraph (1);
- (b) may, for the purposes of any proceedings which are of a preliminary, incidental or interlocutory nature, consist of one member.

5. The chairman of the Review Tribunal shall appoint the members who are to constitute the tribunal for the purpose of any proceedings under this Order.

6. Subject to any rules made by the Lord Chancellor under Article 83(4), where the chairman of the tribunal is included among the persons appointed under paragraph 5, he shall be president of the tribunal; and in any other case the president of the tribunal shall be such one of the members so appointed (being one of the legal members) as the chairman may nominate.

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