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## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Mental Health Review Tribunal (Northern Ireland) Rules 1986 (S.R. 1986 No. 193) were amended by the Mental Health Review Tribunal (Amendment) Rules (Northern Ireland) 2016 (S.R. 2016 No. 57) (the “Amending Rules”) to enable appeals against detention to be brought, where it is in the interests of justice to do so, during the period of up to fourteen days (“the 14-day period”) in which a patient may be compulsorily admitted to a hospital and detained for assessment under Part II of the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)) (the “1986 Order”).

One effect of the Amending Rules is that, in an appeal against detention brought during the 14-day period, the criteria under which the Mental Health Review Tribunal for Northern Ireland (“the Tribunal”) can direct that a patient is discharged differ from the criteria for compulsory admission and detention for assessment in Article 4 of the 1986 Order. Accordingly, this Order amends the 1986 Order in consequence of the Amending Rules to align the criteria for discharge of patients in an appeal against detention during the 14-day period with the criteria for compulsory admission and detention for assessment in Article 4. The amended criteria apply only to applications or references for discharge made to the Tribunal after the Order comes into force.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.