

Status: This version of this contains provisions that are prospective.

Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Paragraph 22 is up to date with all changes known to be in force on or before 19 April 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) View outstanding changes

SCHEDULES

SCHEDULE 8

Amendments of Mental Health Order

PROSPECTIVE

22.—(1) Article 36 (appointment by county court of acting nearest relative) is amended as follows.

(2) In paragraph (1) for the words from “the applicant” to the end substitute “a person specified in the order who—

- (a) is either the applicant or another person specified in the application (and is not the patient);
- (b) in the opinion of the court is a proper person to act as the patient's nearest relative; and
- (c) is willing to do so.”.

(3) In paragraph (2) after “on the application of—” insert—

“(za) the patient;”.

(4) In paragraph (3)—

- (a) in sub-paragraph (c) omit “or a guardianship application”;
- (b) omit the word “or” after sub-paragraph (c);
- (c) in sub-paragraph (d) omit “or guardianship”;
- (d) after sub-paragraph (d) insert “or
- (e) that the nearest relative of the patient is otherwise not a suitable person to act as such.”.

(5) In paragraph (4) for “(3)(a) or (b)” substitute “(3)(a), (b) or (e)”.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 285(2)(a)-(c) substituted for s. 285(2)(a)(b) by [2022 c. 18 \(N.I.\) Sch. 3 para. 77\(b\)](#)