

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

Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Paragraph 23 is up to date with all changes known to be in force on or before 25 March 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

23.—(1) Article 37 (discharge and variation of orders under Article 36) is amended as follows.

(2) In paragraph (1)—

(a) after “application made—” insert—

“(za) by the patient;”;

(b) in sub-paragraph (b) for “or (b)” substitute “, (b) or (e)”.

(3) After paragraph (1) insert—

“(1A) But in the case of an order made on the ground specified in Article 36(3)(e), an application may not be made under paragraph (1)(b) by the person who was the nearest relative of the patient when the order was made except with the leave of the county court.”.

(4) In paragraph (2)—

(a) after “or on the application of” insert “ the patient or of ”;

(b) for the words from “for the first-mentioned person” to the end substitute “for the person having those functions another person (other than the patient) who—

(a) in the opinion of the court is a proper person to exercise those functions; and

(b) is willing to do so.”.

(5) In paragraph (4) omit—

(a) “or subject to guardianship”;

(b) the second, third and fourth “or subject”.

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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\(b\)](#)