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STATUTORY INSTRUMENTS

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**1986 No. 595**

**The Mental Health (Northern Ireland) Order 1986**

PART XI

MISCELLANEOUS AND SUPPLEMENTARY

*Miscellaneous*

***Warrant to search for and remove patients***

**129.**—(1) If it appears to a justice of the peace, on complaint on oath made by an officer<sup>F1</sup>...<sup>F2</sup> of an authorised [<sup>F3</sup>HSC trust]] or a constable, that there is reasonable cause to suspect that a person believed to be suffering from mental disorder—

- (a) has been, or is being, ill-treated, neglected or kept otherwise than under proper control; or
- (b) being unable to care for himself, is living alone,

the justice may issue a warrant authorising any constable<sup>F4</sup>. . . , accompanied by a medical practitioner, to enter, if need be by force, any premises specified in the warrant in which that person is believed to be, and, if thought fit, to remove him to a place of safety with a view to the making of an application under Part II in respect of him, or of other arrangements for his care or treatment.

(2) If it appears to a justice of the peace, on complaint on oath made by an officer<sup>F5</sup>...<sup>F2</sup> of an authorised [<sup>F3</sup>HSC trust]] or a constable—

- (a) that there is reasonable cause to believe that a patient who, under this Order, is liable to be taken to any place, or to be taken into custody or to be retaken, is to be found on any premises; and
- (b) that admission to the premises has been refused or that a refusal of such admission is apprehended,

the justice may issue a warrant authorising any constable<sup>F4</sup>. . . accompanied by a medical practitioner, to enter the premises, if need be by force, and remove the patient.

(3) If it appears to a justice of the peace, on complaint on oath made by any person authorised by or under section 88 of the Mental Health Act 1983 or<sup>F6</sup> article 8 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005] to take into custody in Northern Ireland any person who may be so taken—

- (a) that there is reasonable cause to believe that a person who may be taken into custody by virtue of either of the aforesaid enactments, is to be found on any premises; and
- (b) that admission to the premises has been refused or that a refusal of such admission is apprehended,

the justice may issue a warrant authorising any constable<sup>F4</sup>. . . , accompanied by a medical practitioner, to enter the premises, if need be by force, and remove the person liable to be taken as aforesaid.

**Changes to legislation:** *The Mental Health (Northern Ireland) Order 1986, Section 129 is up to date with all changes known to be in force on or before 09 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*

(4) If it appears to a justice of the peace, on complaint on oath made by a person who has made an application for assessment in relation to a patient—

- (a) that the application has been duly completed in accordance with Part II;
- (b) that there is reasonable cause to believe that the patient is to be found on any premises;
- (c) that it is not reasonably practicable for the patient to be taken and conveyed to the hospital specified in the application by the applicant or a person authorised by him; and
- (d) that the responsible<sup>F2</sup> authority] has been requested to do so but has failed to do so,

the justice may issue a warrant authorising any constable<sup>F4</sup> . . . , accompanied by a medical practitioner, to enter, if need be by force, the premises and to take and convey the patient to the hospital specified in the application.

(5) A patient who is removed to a place of safety in the execution of a warrant issued under this Article may be detained there for a period not exceeding 48 hours.

(6) It shall not be necessary in any complaint or warrant under paragraph (1) to name the person concerned.

(7) In this Article “place of safety” means any hospital, of which the<sup>F2</sup> managing <sup>F7</sup>...<sup>F3</sup>HSC trust]] is willing temporarily to receive persons who may be taken there under this Order, any police station, or any other suitable place the occupier of which is willing temporarily to receive such persons.

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| <b>F1</b> | Words in art. 129(1) omitted (1.4.2022) by virtue of <a href="#">Health and Social Care Act (Northern Ireland) 2022 (c. 3)</a> , s. 8(1)(b), <b>Sch. 1 para. 98(2)</b> ; S.R. 2022/102, art. 2(b)                               |
| <b>F2</b> | 1994 NI 2   |
| <b>F3</b> | Words in Order substituted (1.4.2009) by <a href="#">Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1)</a> , ss. 32, 34(3), <b>Sch. 6 para. 1(1)(d)</b> (with Sch. 6 para. 1(3)); S.R. 2009/114, <b>art. 2</b> |
| <b>F4</b> | 1989 NI 12  |
| <b>F5</b> | Words in art. 129(2) omitted (1.4.2022) by virtue of <a href="#">Health and Social Care Act (Northern Ireland) 2022 (c. 3)</a> , s. 8(1)(b), <b>Sch. 1 para. 98(2)</b> ; S.R. 2022/102, art. 2(b)                               |
| <b>F6</b> | SI 2005/2078  |
| <b>F7</b> | Words in art. 129(7) omitted (1.4.2022) by virtue of <a href="#">Health and Social Care Act (Northern Ireland) 2022 (c. 3)</a> , s. 8(1)(b), <b>Sch. 1 para. 98(3)</b> ; S.R. 2022/102, art. 2(b)                               |

**Changes to legislation:**

The Mental Health (Northern Ireland) Order 1986, Section 129 is up to date with all changes known to be in force on or before 09 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- art. 129(1) words inserted by [2016 c. 18 \(N.I.\) Sch. 8 para. 64\(2\)\(a\)](#)
- art. 129(1) words substituted by [2016 c. 18 \(N.I.\) Sch. 8 para. 64\(2\)\(b\)](#)
- art. 129(3) repealed by [2016 c. 18 \(N.I.\) Sch. 8 para. 64\(3\)](#)
- art. 129(5) words substituted by [2016 c. 18 \(N.I.\) Sch. 8 para. 64\(4\)](#)
- art. 129(7) words repealed by [2016 c. 18 \(N.I.\) Sch. 8 para. 64\(5\)\(b\)](#)
- art. 129(7) words substituted by [2016 c. 18 \(N.I.\) Sch. 8 para. 64\(5\)\(a\)](#)

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

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

- Sch. 5 Pt. 2 repealed in part by [S.I. 2003/435 \(N.I.\) Sch. 5](#) (text not available on [Legislation.gov.uk](#))
- Sch.05 Pt. 1 rev. in pt. by [1995 c. 35 s. 29\(2\)Sch. 3](#)
- Sch. 5 Pt. 2 rev. in pt. by [1998 c. 47 s. 100\(2\)Sch. 15](#)
- art. 14A inserted by [2016 c. 18 \(N.I.\) Sch. 8 para. 10](#)
- art. 36(2)(za) inserted by [2016 c. 18 \(N.I.\) Sch. 8 para. 22\(3\)](#)
- art. 36(3)(e) and word inserted by [2016 c. 18 \(N.I.\) Sch. 8 para. 22\(4\)\(d\)](#)
- art. 37(1)(za) inserted by [2016 c. 18 \(N.I.\) Sch. 8 para. 23\(2\)\(a\)](#)
- art. 37(1A) inserted by [2016 c. 18 \(N.I.\) Sch. 8 para. 23\(3\)](#)
- art. 52 rev. by [1996 c. 46 s. 35\(2\)Sch.7 Pt. 3](#)
- art.52 rev. (DrosD,) by [1996 c. 46 s. 35\(2\)Sch.7 Pt.III](#)
- art. 63A63B inserted by [2016 c. 18 \(N.I.\) Sch. 8 para. 31](#)
- art. 67(2A) inserted by [2016 c. 18 \(N.I.\) Sch. 8 para. 35\(4\)](#)
- art. 83(4A) inserted by [2016 c. 18 \(N.I.\) Sch. 8 para. 48\(4\)](#)
- art. 120(4) inserted by [2016 c. 18 \(N.I.\) Sch. 8 para. 59\(4\)](#)
- art. 133(2A) inserted by [2016 c. 18 \(N.I.\) Sch. 8 para. 68\(4\)](#)