
STATUTORY INSTRUMENTS

1986 No. 595

The Mental Health (Northern Ireland) Order 1986

PART II

COMPULSORY ADMISSION TO HOSPITAL AND GUARDIANSHIP

Functions of nearest relative of patient

Assignment of functions by nearest relative

35.—(1) The nearest relative of any patient who is liable to be detained or subject to guardianship under this Part may assign his functions as such under this Order to any person (other than the patient) who indicates in writing his willingness to exercise those functions.

(2) Any person who wishes to assign, under this Article, his functions as nearest relative under this Order shall give notice of the assignment in the prescribed form to the responsible^{F1} authority].

(3) On the receipt by the responsible^{F1} authority] of the notice referred to in paragraph (2), the provisions of this Order shall, subject to Article 36(5), apply in relation to the patient as if for any reference to the nearest relative of the patient there were substituted a reference to the person to whom the nearest relative has assigned his functions under this Order and (without prejudice to Articles 36 and 37) shall so apply notwithstanding that the person who was the patient's nearest relative at the time of the assignment is no longer his nearest relative.

F1 1994 NI 2

Modifications etc. (not altering text)

C1 Art. 35 applied (with modifications.) (31.3.2013) by [Mental Health \(Private Hospitals\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/22\)](#), regs. 1, **3(3)(v)**, 4

C2 Art. 35 applied (with modifications) (31.3.2013) by [Mental Health \(Private Hospitals\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/403\)](#), regs. 1, **3(3)(ee)(i)**, 4

Changes to legislation:

The Mental Health (Northern Ireland) Order 1986, Section 35 is up to date with all changes known to be in force on or before 25 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- [art. 35\(1\)](#) words repealed by [2016 c. 18 \(N.I.\) Sch. 8 para. 21](#)[Sch. 11](#)

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- [Sch. 5 Pt. 2](#) repealed in part by [S.I. 2003/435 \(N.I.\) Sch. 5](#) (text not available on [Legislation.gov.uk](#))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\(4\)](#)