
STATUTORY INSTRUMENTS

2018 No. 1360

The Mental Health (Northern Ireland) (Amendment) Order 2018

2.—(1) Article 77 (power to discharge patients other than restricted patients) of the Mental Health (Northern Ireland) Order 1986⁽¹⁾ is amended as follows.

(2) In paragraph (1)—

(a) in sub-paragraph (a), at the beginning insert “(except in relation to detention for assessment),”;

(b) after sub-paragraph (a), insert—

“(aa) in relation to detention for assessment, the tribunal is not satisfied that the patient is then suffering from mental disorder of a nature or degree which warrants the patient’s detention in a hospital for assessment (or for assessment followed by medical treatment); or”.

(3) After paragraph (1), insert—

“(1A) In paragraph (1) “detention for assessment” means detention by virtue of any report under Article 9.”⁽²⁾

(4) The amendments made by this article have effect in relation to an application or a reference to which Article 77(1) of the Mental Health (Northern Ireland) Order 1986 applies where the application or reference is made after this article comes into force.

⁽¹⁾ [S.I. 1986/595 \(N.I. 4\)](#); Article 77(1) was substituted by Article 3 of [S.I. 2004/1272 \(N.I. 8\)](#).

⁽²⁾ Article 9 was amended by sections 32 and 34(3) of, and paragraph 8(1) of Schedule 6 to, the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1) (N.I.) and Article 7(1) of, and Schedule 1 to, [S.I. 1994/429 \(N.I. 2\)](#).