



The notes are for guidance only and do not constitute an exact statement of the provisions of the Mental Health Act 2001.

The Health Act 2004 dissolves Health Boards. References to Health Boards in the Mental Health Act 2001 are to be read as references to the Health Service Executive.

#### SECTIONS OF THE MENTAL HEALTH ACT 2001

- 18.—(1) Where an admission order or a renewal order has been referred to a tribunal under section 17, the tribunal shall review the detention of the patient concerned and shall either—
- (a) if satisfied that the patient is suffering from a mental disorder, and
    - (i) that the provisions of *sections 9, 10, 12, 14, 15 and 16*, where applicable, have been complied with, or
    - (ii) if there has been a failure to comply with any such provision, that the failure does not affect the substance of the order and does not cause an injustice, affirm the order, or
  - (b) if not so satisfied, revoke the order and direct that the patient be discharged from the approved centre concerned.
- (2) A decision under *subsection (1)* shall be made as soon as may be but not later than 21 days after the making of the admission order concerned or, as the case may be, the renewal order concerned.
- (3) Before making a decision under *subsection (1)*, a tribunal shall have regard to the relevant report under *section 17(1)(c)*.
- (4) The period referred to in *subsection (2)* may be extended by order by the tribunal concerned (either of its own motion or at the request of the patient concerned) for a further period of 14 days and thereafter may be further extended by it by order for a period of 14 days on the application of the patient if the tribunal is satisfied that it is in the interest of the patient and the relevant admission order, or as the case may be, renewal order shall continue in force until the date of the expiration of the order made under this subsection.
- (5) Notice in writing of a decision under *subsection (1)* and the reasons therefor shall be given to—
- (a) the Commission,
  - (b) the consultant psychiatrist responsible for the care and treatment of the patient concerned,
  - (c) the patient and his or her legal representative, and
  - (d) any other person to whom, in the opinion of the tribunal, such notice should be given.
- (6) The notice referred to in *subsection (5)* shall be given as soon as may be after the decision and within the period specified in *subsection (2)* or, if it be the case that period is extended by order under *subsection (4)*, within the period specified in that order.
- (7) In this section references to an admission order shall include references to the relevant recommendation and the relevant application.

\* The date of involuntary admission relates to the commencement date of this current period of detention, e.g.

- 1) If period commenced by Form 6; - date Form 6 signed.
- 2) If period commenced by Form 13; - date Form 13 signed. (Admission Order Section)
- 3) If period commenced by Mental Treatment Act 1945; - date order commenced.