

*Status: This version of this cross heading contains provisions that are prospective.*  
*Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Cross Heading: Appeals 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*



## 2016 CHAPTER 18

### PART 10

#### CRIMINAL JUSTICE

##### CHAPTER 9

##### SUPPLEMENTARY

PROSPECTIVE

### *Appeals*

#### **Appeals: general**

**246.**—(1) This section applies where any of the following is made by a court in respect of a person—

- (a) a public protection order;
- (b) a hospital direction;
- (c) a supervision and assessment order.

(2) Where the person appeals to any court against the order or direction, that court has the same powers as if the appeal were also against any further order made in respect of the person by the court mentioned in subsection (1).

(3) Where the person is a child, any appeal (whether in respect of the order or direction or any finding upon which it was made) may be brought—

- (a) by the child; or
- (b) on behalf of the child, by anyone with parental responsibility for the child or any guardian.

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### **Appeals against orders made on finding of unfitness to be tried etc**

**247.**—(1) This section applies where, by virtue of Chapter 6 (unfitness to be tried etc), a court makes a public protection order or supervision and assessment order in respect of a person.

(2) The person has the same right of appeal as if the order had been made on the person's conviction, and accordingly—

- (a) for the purposes of section 8 of the Criminal Appeal (Northern Ireland) Act 1980 and Article 140 of the Magistrates' Courts (Northern Ireland) Order 1981, the order is treated as if it were an order made on conviction;
- (b) for the purposes of Article 146 of that Order, the order is a determination of the proceedings in which the order was made.

(3) On any appeal against the order, the Court of Appeal or county court has the same powers as if the appeal had been against both finding and sentence.

### **Hospital directions: cases stated by magistrates' courts**

**248.**—(1) This section applies where a magistrates' court makes a hospital direction.

(2) For the purposes of Article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 (cases stated by magistrates' courts), the hospital direction is a determination of the proceedings in which the direction was made.

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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\(b\)](#)