

Status: This version of this provision is prospective.

Changes to legislation: *Mental Capacity Act (Northern Ireland) 2016, Section 36 is up to date with all changes known to be in force on or before 19 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 2

LACK OF CAPACITY: PROTECTION FROM LIABILITY, AND SAFEGUARDS

CHAPTER 5

ADDITIONAL SAFEGUARD: INDEPENDENT MENTAL CAPACITY ADVOCATE

PROSPECTIVE

Section 35: relevant acts

36.—(1) In section 35 “relevant act” means any of the following—

- (a) an act which amounts to a deprivation of P's liberty, or one of a number of acts that together amount to such a deprivation;
- (b) the imposition on P of a requirement to attend at a particular place at particular times or intervals for the purpose of being given treatment that would or might be treatment with serious consequences;
- (c) the imposition on P of a community residence requirement;
- (d) the provision of serious compulsory treatment;
- (e) a serious compulsory intervention not falling within paragraphs (a) to (d).

(2) For the purposes of subsection (1)(d) an act is “the provision of serious compulsory treatment” if—

- (a) it is, or is done in the course of, the provision to P of treatment with serious consequences; and

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(b) the treatment is carried out despite a reasonable objection from P's nominated person or subsection (4) applies.

(3) For the purposes of subsection (1)(e) an act is a “serious compulsory intervention” if—

(a) it is, or is part of, a serious intervention; and

(b) the intervention is carried out despite a reasonable objection from P's nominated person or subsection (4) applies.

(4) This subsection applies if—

(a) the act—

(i) is resisted by P (see section 68); or

(ii) is done while P is subject to an additional measure (see section 23);
and

(b) the circumstances are such as may be prescribed.

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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\(b\)](#)