

*These notes refer to the Mental Capacity Act (Northern Ireland)  
2016 (c.18) which received Royal Assent on 9 May 2016*

# Mental Capacity Act (Northern Ireland) 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 10 – Criminal Justice**

#### ***Chapter 4 – Detention under a Public Protection Order With Restrictions***

#### ***Section 196 - Transfers between hospitals etc***

While a person is subject to a public protection order with restrictions, this section provides the managing authority of the establishment where the person is detained, with a power to transfer the person to another suitable establishment with the consent of the Department of Justice.

Before a person is transferred under this section, the managing authority must inform certain people of the transfer, depending on the age of the person. Where a person transferred under this section is 16 years of age or over, the managing authority must, where practicable, inform his or her nominated person. If the person is under 16, then the managing authority must inform someone with parental responsibility for him or her. Where a person is transferred under this section, the managing authority must also immediately notify RQIA of the transfer.