

*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 8 – Rights of Review of Detention under Part 10*

#### *Section 239 – Section 238: additional powers of Tribunal*

Where under section 239, the Tribunal notifies the Department of Justice that it is satisfied that the prevention of serious harm condition is met, it may, with a view to facilitating the transfer of the person at a future date, recommend the taking of specified actions and further consider the case in the event of those actions not being complied with. Where the Tribunal further considers the case, section 238 applies.