



## 2016 CHAPTER 18

### **PART 2**

#### LACK OF CAPACITY: PROTECTION FROM LIABILITY, AND SAFEGUARDS

##### CHAPTER 9

##### DEFINITIONS FOR PURPOSES OF PART 2

##### *Other definitions for purposes of Part 2*

#### **Interpretation of Part 2: general**

**68.**—(1) For the purposes of this Part—

“community residence requirement” has the meaning given by section 31;

“emergency”—

(a) in sections 54 to 56, has the meaning given by section 56;

(b) otherwise, has the meaning given by section 65;

“reasonable objection”: an act is done “despite” a reasonable objection from a person's nominated person if the nominated person—

(a) has reasonably objected to the proposal to do the act; and

(b) has not, by the time the act is done, withdrawn that objection (by any means);

“requirement”: a requirement for a person (“P”) to do a thing is imposed on P by a person if that person tells P (by any means and in any words) that if P does not do that thing, further action will or may be taken in respect of P;

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**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, Cross Heading: Other definitions for purposes of Part 2 is up to date with all changes known to be in force on or before 03 April 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*

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“resisted by”: an act is resisted by a person if the doing of the act is secured by the use of force or a threat to use force;

“serious intervention” is to be read in accordance with section 63;

“subject to an additional measure” has the meaning given by section 23;

“treatment with serious consequences” has the meaning given by section 21;

treatment that “might be” treatment with serious consequences: references to such treatment are to treatment where the risk of the treatment turning out to be treatment with serious consequences is more than negligible.

(2) See also sections 304 to 306 (definitions for purposes of Act).

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**Commencement Information**

- II** S. 68 in operation at 2.12.2019 for specified purposes by S.R. 2019/163, art. 2(4), **Sch. Pt. 4** (with art. 3) (as amended by S.R. 2019/190, art. 2)

**Changes to legislation:**

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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\(b\)](#)