

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Paragraph 11 is up to date with all changes known to be in force on or before 13 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

SCHEDULES

PROSPECTIVE

SCHEDULE 10

Consequential amendments

Criminal Appeal (Northern Ireland) Act 1980 (c. 47)

11.—(1) Section 36 (detention of defendant pending appeal by the Crown) is amended as follows.

(2) In subsection (3)—

- (a) for “the Mental Health Order (otherwise than under Article 42, 43 or 45 of that Order)” substitute “ Part 10 of the Mental Capacity Act (except an order under section 162 of that Act or an interim detention order) ”;
- (b) for the second “that Order” substitute “ that Act ”;
- (c) for “renewal of authority for detention” substitute “ extension of the period of an order ”;
- (d) for “patients” substitute “ persons ”.

(3) In subsection (3A)—

- (a) for the words from “Article 43” to “Article 45 of that Order” substitute “ section 162 of the Mental Capacity Act or an interim detention order ”;

(b) in paragraph (b)—

- (i) for “Part III of the Mental Health Order” substitute “ Part 10 of that Act ”;
- (ii) for “transfer direction together with a restriction direction” substitute “ direction under section 220 of that Act ”;

(c) in paragraph (c)—

- (i) for the first “interim hospital order” substitute “ interim detention order ”;
- (ii) for the words from “paragraph (2)” to the end substitute “ section 178(6) of that Act (power of court to make public protection order in absence of person subject to an interim detention order)

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applies as if the defendant were still subject to an interim detention order. ”.

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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\(b\)](#)