Changes to legislation: *Mental Capacity Act (Northern Ireland) 2016, Cross Heading: Applications for extension is up to date with all changes known to be in force on or before 14 May 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

SCHEDULE 3

Extension by panel of period of authorisation

Applications for extension

2.—(1) An application under this Schedule may be made where—

(a) an authorisation in respect of a person ("P") has been granted (and has not been revoked);

(b) the period of the authorisation has not ended;

(c) it has been proposed that the period of the authorisation should be extended under section 37 or 38; and

(d) an extension under that section is not possible, because the person who is the responsible person for the purposes of section 39 is not of the opinion that the criteria for continuation are met in relation to each authorised measure that is proposed to be continued after the end of the current period.

(2) An application under this Schedule is an application to the relevant trust for an extension of the period of the authorisation.

(3) In this Schedule "the relevant trust" means—

(a) where the proposed extension would be wholly or partly for the purposes of continuing P's detention in a place, the HSC trust in whose area that place is situated;

(b) where the proposed extension would be wholly or partly for the purposes of continuing the provision to P of treatment specified by the authorisation or a requirement to attend for such treatment, and head (a) does not apply, the HSC trust in whose area the treatment is provided;

(c) where the proposed extension would be for the purposes of continuing a community residence requirement and head (b) does not apply, the HSC trust in whose area the place where P is required by the community residence requirement to live is situated.

Commencement Information

I1 Sch. 3 para. 2(1)(2)(3)(a) 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:
Mental Capacity Act (Northern Ireland) 2016, Cross Heading: Applications for extension is up to date with all changes known to be in force on or before 14 May 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.
View outstanding changes

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)