
Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Cross Heading: Decision on application is up to date with all changes known to be in force on or before 13 March 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

Decision on application

- 8.—(1) Having considered the application, the panel must either—
- (a) extend the period of the authorisation in accordance with sub-paragraph (2); or
 - (b) refuse the application.
- (2) An extension under sub-paragraph (1)(a) must be—
- (a) if the period of the authorisation has not previously been extended, for the period of 6 months beginning immediately after the end of the initial period;
 - (b) if the period of the authorisation has previously been extended under section 37 or 38 or this Schedule, for the period of one year beginning immediately after the end of the current period.
- (3) The panel may extend the period of the authorisation only if—
- (a) where there is one specified measure, the panel considers that the criteria for continuation are met in respect of that measure;
 - (b) where there are two or more specified measures, the panel considers that the criteria for continuation are met in respect of at least one of those measures.
- (4) Where the panel extends the period of the authorisation and either—
- (a) there is a specified measure as respects which the panel does not consider that the criteria for continuation are met, or
 - (b) there is a measure authorised by the authorisation which is not specified,
- the panel must cancel the provision of the authorisation which authorises that measure.
- (5) A cancellation under sub-paragraph (4) takes effect from the end of the current period.
- (6) If the current period ends without the period of the authorisation having been extended, the period of the authorisation may not be extended.

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(7) In this paragraph references to a “specified” measure are to a measure specified under paragraph 4(1)(b).

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Commencement Information

- II** Sch. 3 para. 8 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)

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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\(b\)](#)