



2016 CHAPTER 18

PART 9

POWER OF POLICE TO REMOVE PERSON TO PLACE OF SAFETY

Duties and powers of police where person removed to place of safety

PROSPECTIVE

Review of detention

151.—(1) Where a person is detained in a place of safety under this Part, reviews of whether the detention conditions set out in section 144(2) are still met must be carried out periodically by the appropriate officer in accordance with this section.

(2) Subject to subsection (3)—

- (a) the first review must be not later than 6 hours after the person's arrival at the place of safety;
- (b) subsequent reviews must be at intervals of not more than 6 hours.

(3) A review may be postponed—

- (a) if, having regard to all the circumstances prevailing at the latest time for it specified in subsection (2), it is not practicable to carry out the review at that time;
- (b) if at that time the appropriate officer is not readily available.

(4) If a review is postponed under subsection (3) it must be carried out as soon as practicable after the latest time specified for it in subsection (2).

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act (Northern Ireland) 2016, Section 151. (See end of Document for details)

(5) If a review is carried out after postponement under subsection (3), the fact that it was so carried out does not affect any requirement of this section as to the time at which any subsequent review is to be carried out.

(6) The appropriate officer must record in writing—

- (a) any decision made, on a review, to continue to detain the person;
- (b) the reasons for any postponement of a review.

(7) A record under subsection (6)(a)—

- (a) must be made as soon as practicable after the decision is made; and
- (b) must be made in the presence of the person, who must at that time be informed by the appropriate officer of the decision.

(8) Subsection (7)(b) does not apply where the person is, at the time when the written record is made—

- (a) incapable of understanding what is said to him or her;
- (b) asleep;
- (c) violent or likely to become violent; or
- (d) in urgent need of medical attention.

(9) Any reference in this section to a period of time is to be treated as approximate only.

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Mental Capacity Act (Northern Ireland) 2016, Section 151.