

*Status: This version of this provision is prospective.*

**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, Section 161 is up to date with all changes known to be in force on or before 22 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*



## 2016 CHAPTER 18

### PART 9

#### POWER OF POLICE TO REMOVE PERSON TO PLACE OF SAFETY

*Supplementary*

PROSPECTIVE

##### **Relationship of Part 9 to other provisions**

**161.—**(1) A power that a constable has under any provision of this Part (a “place of safety power”) does not affect—

- (a) any authority that the constable has under Part 2 to do an act other than an act authorised by the place of safety power;
- (b) any authority to do any act that a person other than the constable has; or
- (c) any power that the constable has otherwise than under this Act.

(2) If, while a person is detained in or being taken to a place of safety under any provision of this Part, the person is arrested for an offence—

- (a) the relevant provisions of PACE apply; and
- (b) the person ceases to be liable to be detained under this Part or taken to a place of safety under this Part.

(3) Nothing in subsection (2)(b) affects the application of this Part on any subsequent occasion on which the person is found in a public place.

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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\(b\)](#)