

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

**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, Section 232 is up to date with all changes known to be in force on or before 22 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*



## 2016 CHAPTER 18

### PART 10

#### CRIMINAL JUSTICE

##### CHAPTER 8

##### RIGHTS OF REVIEW OF DETENTION UNDER PART 10

##### *Powers of Tribunal as to public protection orders*

PROSPECTIVE

#### **Powers of Tribunal as to public protection order with restrictions**

**232.**—(1) This section applies where an application or reference to the Tribunal is made under this Chapter (other than section 237) by or in respect of a person who is liable to be detained under a public protection order with restrictions.

(2) The Tribunal must do one of the following—

- (a) discharge the person absolutely (that is, discharge the person from being liable to be detained under the order);
- (b) discharge the person from the establishment concerned subject to conditions (see further section 235);
- (c) decide not to discharge the person.

(3) The Tribunal may decide as mentioned in subsection (2)(c) only if it is satisfied that the prevention of serious harm condition is met (see section 233).

(4) If the Tribunal is not satisfied that that condition is met, it must—

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- (a) discharge the person absolutely, if it is satisfied that it would be inappropriate for the person to remain liable to be recalled;
- (b) discharge the person subject to conditions, if it is not so satisfied.

(5) Where—

- (a) the Tribunal makes an order under this section discharging a person subject to conditions, and
- (b) the Tribunal is satisfied that arrangements need to be made in connection with the conditions before the discharge takes effect,

the order may provide that it takes effect from a future date (specified in the order) which in the opinion of the Tribunal will allow those arrangements to be made.

(6) In this section “the establishment concerned” means the establishment in which, immediately before the discharge, the person is liable to be detained under the public protection 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\(b\)](#)