



2016 CHAPTER 18

PART 13

OFFENCES

Assisting persons to absent themselves without permission

270.—(1) A person commits an offence if—

- (a) the person knows that another person (“P”) is, by virtue of this Act, liable to be detained in a place in circumstances amounting to a deprivation of liberty; and
- (b) the person induces, or intentionally assists, P to absent himself or herself without permission from that place.

(2) A person commits an offence if—

- (a) the person knows that another person (“P”) is, by virtue of this Act, liable to be detained in a place (“the relevant place”) in circumstances amounting to a deprivation of liberty;
- (b) P has absented himself or herself without permission from the relevant place; and
- (c) the person—
 - (i) allows P to live or stay with the person, knowing that P absented himself or herself without permission from the relevant place; or
 - (ii) gives P any assistance with the intention of preventing, delaying or interfering with P's being returned to detention.

(3) A person commits an offence if—

Changes to legislation: *Mental Capacity Act (Northern Ireland) 2016, Section 270 is up to date with all changes known to be in force on or before 27 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*

- (a) the person knows that another person (“P”) is, by virtue of this Act, liable to be detained in a place in circumstances amounting to a deprivation of liberty;
 - (b) P is being taken to that place; and
 - (c) the person induces, or intentionally assists, P to escape.
- (4) In subsections (1) and (2) references to P absenting himself or herself without permission from a place where P is liable to be detained (“the relevant place”) include—
- (a) P failing to return to the relevant place at the end of an occasion or period for which P was given permission to be absent, or on being recalled from a permitted absence; and
 - (b) P absenting himself or herself, without permission, from a place where P is required to be by conditions imposed on the grant of a permission for absence from the relevant place.
- (5) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.

Commencement Information

- II** S. 270 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\(b\)](#)