



2016 CHAPTER 18

PART 15

SUPPLEMENTARY

Panels

Panels constituted to decide applications: general provision

297.—(1) In this section “panel” means a panel constituted under—

- (a) Schedule 1 (applications for authorisation);
- (b) Schedule 3 (applications for extension of period of authorisation);
- (c) Schedule 6 (applications for extension of period of public protection order without restrictions).

(2) A panel must have 3 members [^{F1}(all of whom must be present during any proceedings of the panel).]^{F1}, all of whom must be present during any proceedings of the panel, except where—

- (a) the panel does not hear oral evidence,
- (b) each of the members provides a written opinion, and
- (c) the decision of the panel is unanimous.]

(3) Regulations may make further provision about the membership or procedure of panels, including—

- (a) provision requiring panels to give prescribed persons the opportunity to make representations;
- (b) provision enabling a panel to request prescribed persons to provide information to the panel or attend before the panel to give oral evidence;

Changes to legislation: *Mental Capacity Act (Northern Ireland) 2016, Section 297 is up to date with all changes known to be in force on or before 12 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*

- (c) provision about steps that a panel is, or is not, to be regarded as required by section 7 to take where it has to make a determination of what would be in a person's best interests;
 - (d) provision for cases where a panel cannot reach a unanimous decision.
- (4) The Department may by regulations amend any of the following—
- (a) the definition of “the permitted period” in paragraph 19(2) of Schedule 1;
 - (b) any period mentioned in paragraph 20(2)(b) or (3)(b) of that Schedule;
 - (c) the definition of “the permitted period” in paragraph 9(2) of Schedule 3;
 - (d) the definition of “the permitted period” in paragraph 9(2) of Schedule 6.

Textual Amendments

- F1** Words in s. 297(2) substituted (temp.) (2.4.2020) by virtue of [Coronavirus Act 2020 \(c. 7\)](#), s. 87(2), [Sch. 11 para. 3](#) (with ss. 88-90, [Sch. 11 para. 2](#)); [S.R. 2020/58](#), art. 2(e)

Modifications etc. (not altering text)

- C1** [S. 297\(2\)](#) expiry of earlier affecting provision 2020 c. 7, [Sch. 11 paras. 3-9](#) (25.3.2022) by [Coronavirus Act 2020 \(c. 7\)](#), [s. 89](#) (with [s. 90](#))

Commencement Information

- II** [S. 297](#) 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)

Changes to legislation:

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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\(b\)](#)