



## 2016 CHAPTER 18

### **PART 2**

#### LACK OF CAPACITY: PROTECTION FROM LIABILITY, AND SAFEGUARDS

##### CHAPTER 7

##### RIGHTS OF REVIEW OF AUTHORISATION

###### *References to the Tribunal*

#### **Duty of HSC trust to notify the Attorney General**

- 50.**—(1) This section applies if—
- (a) the period of an authorisation under Schedule 1 has been extended (under section 38 or Schedule 3) for a period of one year;
  - (b) the authorisation authorises a measure within section 41(2)(b) or (d) (deprivation of liberty or community residence requirement); and
  - (c) at the relevant time, it appears to the relevant trust that the person to whom the authorisation relates lacks (or probably lacks) capacity in relation to whether an application under section 45 (applications to Tribunal) should be made.
- (2) The relevant trust must as soon as practicable give the Attorney General—
- (a) notice of the matters mentioned in subsection (1)(a) to (c); and
  - (b) any prescribed information.
- (3) In this section—

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**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, Section 50 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*

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“the relevant time” means the time 6 months after the beginning of the one year period mentioned in subsection (1)(a);

“the relevant trust” has the same meaning as in section 48.

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**Commencement Information**

- I1** S. 50(1)(a)(c)(2)(3) 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)
- I2** S. 50(1)(b) in operation at 2.12.2019 for specified purposes (but omitting "or (d)") 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\(b\)](#)