

*These notes refer to the Mental Capacity Act (Northern Ireland)
2016 (c.18) which received Royal Assent on 9 May 2016*

Mental Capacity Act (Northern Ireland) 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 10 – Criminal Justice

Chapter 3 – Detention under a Public Protection Order Without Restrictions

Section 180 - Discharge from detention by responsible medical practitioner

This section provides for the discharge from detention of an individual who is subject to a public protection order without restrictions by a responsible medical practitioner.

The responsible medical practitioner must make an order discharging the person from detention if they are satisfied that doing so would not create a substantial risk to others. The section provides that releasing the person would create a substantial risk to others if doing so would create a risk, linked to linked to an impairment of or disturbance in the functioning of the person's mind or brain, of serious physical or psychological harm to other persons, and the likelihood and seriousness of the harm concerned are such that detaining the person is a proportionate response.

The section also provides that being discharged from a public protection order without restrictions does not prevent a person being detained under Part 2 of the Act (or Part 2 of the Mental Health Order if the person is aged under 16) providing that the relevant detention criteria are met.