



## 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 [<sup>F1</sup>(all of whom must be present during any proceedings of the panel).]<sup>F1</sup>, 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;

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**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, Cross Heading: Panels is up to date with all changes known to be in force on or before 15 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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- (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:**

Mental Capacity Act (Northern Ireland) 2016, Cross Heading: Panels is up to date with all changes known to be in force on or before 15 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.

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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\(b\)](#)