

Status: This version of this provision is prospective.

Changes to legislation: *Mental Capacity Act (Northern Ireland) 2016, Section 177 is up to date with all changes known to be in force on or before 14 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*



2016 CHAPTER 18

PART 10

CRIMINAL JUSTICE

CHAPTER 2

POWERS OF COURT ON CONVICTION

Interim detention orders

PROSPECTIVE

Interim detention orders

177.—(1) This section applies where—

- (a) a person is convicted before the Crown Court of an offence punishable with imprisonment, other than an offence for which the sentence is fixed by law; or
- (b) a person is convicted by a court of summary jurisdiction of an offence punishable on summary conviction with imprisonment.

(2) If the conditions in subsection (3) are met the court may, before—

- (a) making a public protection order,
- (b) passing a custodial sentence with a hospital direction, or
- (c) dealing with the offender in some other way,

make an order which requires that the offender be admitted to a hospital specified in the order and detained there in accordance with section 178.

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- (3) The conditions are—
- (a) that the court is satisfied on the required medical evidence—
 - (i) that there is an impairment of, or disturbance in the functioning of, the offender's mind or brain; and
 - (ii) that appropriate care or treatment is available for the offender in the hospital;
 - (b) that there is reason to suppose that the most suitable way of dealing with the case may be—
 - (i) to make a public protection order; or
 - (ii) to pass a custodial sentence and give a hospital direction;
 - (c) that the court is satisfied on the written or oral evidence of a person representing the managing authority of the hospital that arrangements have been made for the offender's detention in the hospital in pursuance of the order.
- (4) The court may regard the condition in subsection (3)(b) as met only if—
- (a) it considers that a custodial sentence is not, or may not be, appropriate but is satisfied on the required medical evidence that there is reason to suppose that the conditions in section 168(2)(c) and (d) may be met; or
 - (b) it considers that a custodial sentence is appropriate and is satisfied on the required medical evidence that there is reason to suppose that the condition in section 175(2)(b) may be met.
- (5) In this section “the required medical evidence” means the written or oral evidence of at least two medical practitioners, including the oral evidence of an approved medical practitioner.
- (6) In this Part “interim detention order” means an order under this section.

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Changes and effects yet to be applied to :

- s. 177(2) modified (temp.) by [2020 c. 7 Sch. 11 para. 14](#)

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\(b\)](#)