



2016 CHAPTER 18

PART 13

OFFENCES

Forgery, false statements etc

- 268.**—(1) A person commits an offence if the person—
- (a) makes, in a relevant document, an entry or statement which is false; and
 - (b) does so knowing that the entry or statement is false or being reckless as to whether it is false.
- (2) A person commits an offence if—
- (a) with intent to deceive, the person makes use of an entry or statement in a relevant document;
 - (b) the entry or statement is false; and
 - (c) the person knows it to be false.
- (3) In this section “relevant document” means any of the following—
- (a) a statement of incapacity for the purposes of section 13;
 - (b) a relevant certificate (as defined by section 18) for the purposes of section 16 or 17 (second opinions);
 - (c) a report under section 39 or any provision of Schedule 1, 2 or 3 (medical reports etc);
 - (d) an application under Schedule 1, an authorisation granted by a panel under that Schedule, or an extension by a panel of such an authorisation;
 - (e) an application under paragraph 4 of Schedule 4 (application for registration of lasting power of attorney);

Changes to legislation: *Mental Capacity Act (Northern Ireland) 2016, Section 268 is up to date with all changes known to be in force on or before 03 April 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*

- (f) a report under any provision of Part 10 (criminal justice).
- (4) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine or both.
- (5) The Department may by regulations amend subsection (3).

Commencement Information

- II S. 268(1)(2)(3)(a)(c)(d)(4)(5) 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, Section 268 is up to date with all changes known to be in force on or before 03 April 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.

[View outstanding changes](#)

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\(b\)](#)