

*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

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 10 – Criminal Justice**

##### *Chapter 1 - Remand to Hospital*

##### *Section 162 – Remand to hospital*

This section provides that, where the Crown Court or court of summary jurisdiction has the power to remand an accused person in custody and is of the view that they would remand the person in custody, the court may instead remand the accused to hospital for either a medical report or treatment or both. The criteria for remanding the person in hospital are contained within section 164(1) (the “medical report condition”) and section 165(1) (the “treatment condition”).

Before a court remands an accused person to hospital, it must be satisfied on the written or oral evidence from the managing authority of the hospital in question that arrangements have been made for the accused person’s detention there.

This section also provides that an accused person may be further remanded if remanding him or her on bail is not appropriate and the conditions set out in section 164(1) and section 165(1) are still met. An accused person can be remanded or further remanded under this section for a maximum of 28 days at a time and for no more than 12 weeks in total.