

*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 11 – Transfer between Jurisdictions

Section 263 – Persons removed or transferred to Northern Ireland: power to make further provision

Section 263 provides that regulations may be made to make provision, in respect of persons of a prescribed description who are removed to Northern Ireland, requiring prescribed steps to be taken when the person arrives in Northern Ireland and providing for the person to be treated as if he or she was a person of a prescribed description subject to measures under the Act. The section also provides that regulations may make provision about the application of the Act to persons who are removed to Northern Ireland and who are treated as being subject to particular measures under the Act.

Sections 262 and 263 enable provision to be made in the future should it prove possible to devise arrangements for the transfer between the UK jurisdictions of persons subject to other measures such as community residence requirements and their equivalent in England, Wales or Scotland. Once the Act comes into force, there is insufficient correspondence between such measures and their equivalents in the rest of the UK to enable the Act to make such provisions at this point.