

*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 13 – Offences

Section 273 – Offences by bodies corporate

Where an offence has been committed under the Act by a body corporate, e.g. bank, building society, private healthcare company, HSC trust, this section sets out that any director, manager, secretary, or other similar officer of that body is also guilty of the offence if (1) it was done with their consent; (2) if they connived in the offence; or (3) if the offence can be attributed to neglect on their part. Under the section such persons can have proceedings issued against them in addition to those which may be issued against the body corporate.

Section 20(2) of the Interpretation Act (Northern Ireland) 1954 (offences committed by a body corporate) has been disapplied to offences committed by bodies corporate under the Act. Specific provision on this topic is made by subsections (1) and (2) of this section.