

*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 9 – Power of Police to Remove Person to Place of Safety

Section 140 - Information to be given on removal

This section provides that a person removed under section 139 to a place of safety must be informed that they have been, or are being, so removed as soon as practicable. This information must be provided either at the time of their removal, as soon as practicable after that time or, if necessary, upon arrival at the place of safety. This requirement does not have to be adhered to if the person escapes prior to the information being provided.

The section also provides that Article 30 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (“PACE”) – which provides that the police must provide arrested persons with certain information – does not apply in relation to a person removed to a place of safety.