

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

##### *Section 144 - Sections 142 and 143: the detention conditions*

This section sets out the conditions which must be met for a person to be detained at a place of safety. The detention conditions include that failure to detain the person could create a risk of serious physical or psychological harm to that person or serious physical harm to other people. The detention must also be a proportionate measure in light of the likelihood and seriousness of that harm, and the person must be unable to decide for themselves if they should be detained at a place of safety due to impairment in the functioning of their mind or brain. The detention must also be in that person's best interests.