

Status: Point in time view as at 02/12/2019.

Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Cross Heading: Other supplementary provision is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



2016 CHAPTER 18

PART 15

SUPPLEMENTARY

Other supplementary provision

Risk of serious physical harm to others

299.—(1) Subsection (2) applies where for any purpose of this Act a determination falls to be made of whether doing a particular thing, or failure to do a particular thing, in relation to a person would create a risk, or any particular level of risk, of serious physical harm to other persons.

(2) In determining that question, regard may be had only to evidence—

- (a) that the person has behaved violently towards other persons; or
- (b) that the person has behaved himself or herself in such a way that other persons were placed in reasonable fear of serious physical harm to themselves.

Commencement Information

- II** S. 299 in operation at 2.12.2019 for specified purposes by [S.R. 2019/190, art. 2\(4\)](#), [Sch. Pt. 4](#) (with [art. 3](#))

Medical practitioners who may make certain medical reports

300.—(1) In this section a “medical report” means—

- (a) a report under section 39;

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- (b) a report under section 183;
- (c) a medical report under paragraph 7 of Schedule 1;
- (d) a medical report under paragraph 4 of Schedule 2;
- (e) a medical report under paragraph 5 of Schedule 3;
- (f) a medical report under paragraph 5 of Schedule 6.

(2) Regulations may make provision prescribing the descriptions of medical practitioners who may make medical reports.

(3) The regulations may in particular do any of the following—

- (a) prescribe conditions that must be met by a medical practitioner making a medical report;
- (b) provide that, except in any prescribed circumstances, the medical practitioner who makes a medical report—
 - (i) must be of a prescribed description; or
 - (ii) must not be of a prescribed description.

(4) Where any provision of this Act confers power to prescribe conditions that must be met by a medical practitioner making a report or certifying any matter, a condition that may be prescribed is that the practitioner is a person approved by RQIA for prescribed purposes.

Commencement Information

- I2** S. 300(1)(a)(c)-(e)(2)-(4) in operation at 2.12.2019 for specified purposes by S.R. 2019/163, art. 2(4), **Sch. Pt. 4** (with art. 3) (as amended by S.R. 2019/190, art. 2)

Documents appearing to be duly made

301 Regulations may make provision enabling documents of a prescribed description which appear to be duly made in pursuance of a prescribed provision of this Act to be acted on without further proof of prescribed matters.

Commencement Information

- I3** S. 301 in operation at 2.12.2019 for specified purposes by S.R. 2019/163, art. 2(4), **Sch. Pt. 4** (with art. 3) (as amended by S.R. 2019/190, art. 2)

Regulations

302.—(1) Regulations to which subsection (3) applies may be made only if a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

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- (2) Any other regulations under this Act are subject to negative resolution.
- (3) This subsection applies to—
- (a) regulations under section 10(5), 17(6), 21(2), 20(1), 36(4)(b), 48(5), 61(2), 63(3), 96, 98(9), 117(11), 138, 146(2), 160(2), 229(6), 268(5), 276(4), 297(4) or 306(3), paragraph 14(1) of Schedule 7 or paragraph 31 of Schedule 9;
 - (b) regulations under section 262 or 263 that amend this Act;
 - (c) regulations under section 276(2) containing any provision that creates an offence;
 - (d) regulations under section 303(3) that amend the text of Northern Ireland legislation or an Act of Parliament;
 - (e) any other regulations under this Act that are contained in a statutory rule that contains regulations within any of paragraphs (a) to (d).
- (4) Regulations under this Act may contain incidental, supplementary, transitional, transitory or saving provision.

Consequential amendments and repeals

- 303.**—(1) Schedule 10 contains consequential amendments.
- (2) The provisions listed in Schedule 11 are repealed to the extent specified there.
- (3) The Department or the Department of Justice may by regulations make such other amendments of statutory provisions (passed or made before, or in the same session as, this Act) as it considers appropriate in consequence of this Act.

Commencement Information

- I4** S. 303 partly in operation; s. 303(3) in operation at 10.5.2016 see s. 307(1)
- I5** S. 303(2) in operation at 2.12.2019 for specified purposes by S.R. 2019/163, art. 2(2), Sch. Pt. 2 (with art. 3) (as amended by S.R. 2019/190, art. 2)

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