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*Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Paragraph 11 is up to date with all changes known to be in force on or before 13 March 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) View outstanding changes*

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## SCHEDULES

### SCHEDULE 2

Authorisation of short-term detention in hospital for examination etc

#### **Part 3**

Events terminating the authorisation

*Expiry where failure to examine and report on P on admission*

- 11.**—(1) This paragraph applies where—
- (a) pursuant to a report under paragraph 2, P is admitted to the hospital specified in the report; or
  - (b) P is treated under paragraph 1(5) as so admitted.
- (2) Immediately after being admitted or treated as admitted, P must be examined by a medical practitioner who—
- (a) is within sub-paragraph (3); and
  - (b) did not make the medical report under paragraph 4.
- (3) The medical practitioners are—
- (a) the responsible medical practitioner;
  - (b) another medical practitioner who meets prescribed conditions; or
  - (c) any other medical practitioner who is on the staff of the hospital.
- (4) A medical practitioner carrying out an examination under this paragraph must immediately make a report in the prescribed form of the examination.
- (5) The report must include a statement by the person making the report as to whether, in that person's opinion, the condition in paragraph 12 is met.
- (6) If the report states that in the opinion of the person making the report that condition is not met, the making of the report is an event which terminates the authorisation.
- (7) A person who makes a report under this paragraph must immediately give the report to the managing authority of the hospital.

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(8) If there is a failure to examine P in accordance with sub-paragraph (2), or to make a report in accordance with sub-paragraphs (4) and (5), the failure is an event which terminates the authorisation.

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**Commencement Information**

- II**    [Sch. 2 para. 11](#) 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](#))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 285(2)(a)-(c) substituted for s. 285(2)(a)(b) by [2022 c. 18 \(N.I.\) Sch. 3 para. 77\(b\)](#)