

Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Paragraph 12 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) View outstanding changes

SCHEDULES

SCHEDULE 2

Authorisation of short-term detention in hospital for examination etc

Part 3

Events terminating the authorisation

The condition for detention

- 12.—(1) This paragraph applies for the purposes of paragraphs 11, 13 and 14.
- (2) The condition referred to in those paragraphs is that—
- (a) failure to detain P in the hospital in circumstances amounting to a deprivation of liberty, for the purposes of further care, would create a risk of serious harm to P or of serious physical harm to other persons;
 - (b) detaining P in the hospital in circumstances amounting to a deprivation of liberty, for those purposes, is a proportionate response to—
 - (i) the likelihood of harm to P, or of physical harm to other persons; and
 - (ii) the seriousness of the harm concerned;
 - (c) P lacks capacity in relation to whether he or she should be so detained; and
 - (d) it would be in P's best interests for him or her to be so detained.
- (3) In sub-paragraph (2) “further care” means such one or more of the following as are appropriate in P's case—
- (a) further examination;
 - (b) the provision to P of other treatment or care.

Commencement Information

- II Sch. 2 para. 12 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)

Changes to legislation:

Mental Capacity Act (Northern Ireland) 2016, Paragraph 12 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.

[View outstanding changes](#)

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\(b\)](#)