

*Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Paragraph 21 is up to date with all changes known to be in force on or before 12 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*

## SCHEDULES

### SCHEDULE 2

Authorisation of short-term detention in hospital for examination etc

#### Part 4

Supplementary provisions

*Rectification of reports: substitution of medical reports*

- 21.**—(1) This paragraph applies where—
- (a) a report under paragraph 2 (“the authorisation report”) has been made; and
  - (b) at any time before the end of the permitted period it appears to the managing authority that the medical report included in the authorisation report does not comply with the requirements of paragraph 4.
- (2) The managing authority may, before the end of the permitted period, give notice in writing to that effect to the person who signed the authorisation report.
- (3) Where any such notice is given, the medical report is to be disregarded.
- (4) But if, before the end of the permitted period—
- (a) a fresh medical report is made in accordance with paragraph 4, and
  - (b) the fresh report states that in the opinion of the person making the report the condition in paragraph 12 is met, and has been met at all times since the making of the medical report mentioned in sub-paragraph (1)(b),
- the authorisation report is valid, and is to be treated as always having been valid.
- (5) Nothing in this paragraph limits the application of paragraph 20.
- (6) In this paragraph—
- “the managing authority” means the managing authority of the hospital specified in the authorisation report;
  - “the permitted period” has the same meaning as in paragraph 20.

#### Commencement Information

- II** Sch. 2 para. 21 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\(b\)](#)