

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, Part 2 is up to date with all changes known to be in force on or before 11 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

PROSPECTIVE

### SCHEDULE 7

#### Supervision and assessment orders

#### **Part 2**

#### Making and contents of order

##### *Conditions which must be satisfied before order can be made*

2.—(1) A court may make a supervision and assessment order only if the following four conditions are met.

(2) The first condition is that the court is satisfied, on the required medical evidence, that the supervised person has a disorder, or that there is reason to suspect that the supervised person has a disorder.

(3) The second condition is that the court is satisfied, on the required medical evidence, that examination of the supervised person (“S”) is necessary or desirable for the assessment of one or both of the following—

- (a) whether the disorder requires treatment;
- (b) whether consent to the giving of such treatment will be given by S, or by a person with authority to give consent on behalf of S, or whether such treatment will be capable of being given to S by virtue of Part 2 of this Act (or, if S is under 16, under the Mental Health Order).

(4) The third condition is that the court is satisfied that supervision under the order is desirable in the interests of—

- (a) securing the rehabilitation of the supervised person, or
- (b) protecting the public from harm from that person or preventing the commission by that person of offences.

(5) The fourth condition is that the court is satisfied that the making of such an order is the most suitable means of dealing with the supervised person.

(6) In this paragraph “the required medical evidence” means the written or oral evidence of at least two medical practitioners, including—

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, Part 2 is up to date with all changes known to be in force on or before 11 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*

- (a) if the disorder is mental disorder, the oral evidence of an approved medical practitioner;
- (b) otherwise, the oral evidence of a medical practitioner who appears to the court to have special experience in the diagnosis or treatment of the disorder.

#### *Supervision element*

**3.—(1)** A supervision element is a requirement that the supervised person be under the supervision of—

- (a) a social worker, or
- (b) a probation officer,

for a period specified in the order (“the supervision period”), which must be not less than 6 months and not more than 3 years.

(2) The social worker or probation officer is referred to in this Schedule as “the supervising officer”.

(3) The court must not make a supervision and assessment order unless it is satisfied that the supervising officer is willing to undertake the supervision.

(4) If the supervising officer is a social worker—

- (a) the supervision and assessment order must specify the HSC trust for the area in which the supervised person resides or will reside, and
- (b) the social worker must be an approved social worker appointed as such by that trust.

#### *Assessment element*

**4.—(1)** An assessment element is a requirement that, during a specified period (“the assessment period”), the supervised person must—

- (a) attend at a specified place at a specified time or times, or
- (b) make himself or herself available at a specified place at a specified time or times,

for assessment by or under the direction of a medical practitioner.

(2) The assessment period may be the whole or any part of the supervision period.

(3) Assessment under sub-paragraph (1) is to be assessment of such of the following as the medical practitioner considers appropriate at the time of the assessment—

- (a) the supervised person's condition;
- (b) either or both of the matters mentioned in paragraph 2(3)(a) and (b).

*Status: This version of this part contains provisions that are prospective.*

**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, Part 2 is up to date with all changes known to be in force on or before 11 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*

- (4) In sub-paragraph (1) “specified” means specified in the order.

*Residence element*

**5.—(1)** A residence element is any requirement as to the residence of the supervised person during a period specified in the order (“the residence period”).

(2) The residence period may be the whole or any part of the supervision period.

(3) Before including a residence element, the court must consider the home surroundings of the supervised person.

(4) A residence element may not require the supervised person to reside as an in-patient or resident in a hospital or care home.

*Procedural requirements relating to the making of the order*

**6.—(1)** Before making a supervision and assessment order, the court must explain to the supervised person in ordinary language—

- (a) the effect of each of the elements included in the order, and
- (b) that a court of summary jurisdiction, and the court making the order, have power under paragraphs 8 to 10, 11 and 13 to review the order on the application either of the supervised person or the supervising officer.

(2) After making an order, the court must as soon as practicable—

- (a) give at least 2 copies of the order to the supervising officer, and
- (b) if the supervising officer is a social worker, send at least 1 copy of the order to the Probation Board.

(3) The supervising officer must give a copy of the order to the supervised person.

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

Mental Capacity Act (Northern Ireland) 2016, Part 2 is up to date with all changes known to be in force on or before 11 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.

[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\(b\)](#)