

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

*Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Part 5 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 9

#### International protection of adults

#### **Part 5**

#### Co-operation

##### *Proposal for cross-border placement*

**26.**—(1) This paragraph applies where a public authority proposes to place an adult in an establishment in a Convention country other than Northern Ireland.

(2) The public authority must consult an appropriate authority in that other country about the proposed placement and, for that purpose, must send it—

- (a) a report on the adult; and
- (b) a statement of its reasons for the proposed placement.

(3) If the appropriate authority in the other country opposes the proposed placement within a reasonable time, the public authority may not proceed with it.

**27** A proposal received by a public authority under Article 33 in relation to an adult is to proceed unless the authority opposes it within a reasonable time.

##### *Adult in danger etc*

**28.**—(1) This paragraph applies if a public authority is told that an adult—

- (a) who is in serious danger, and
- (b) in relation to whom the public authority has taken, or is considering taking, protective measures,

is, or has become resident, in a country other than Northern Ireland.

(2) The public authority must tell an appropriate authority in that other country about—

- (a) the danger; and

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(b) the measures taken or under consideration.

**29** A public authority may not request from, or send to, an appropriate authority in a country other than Northern Ireland information in accordance with Chapter 5 (co-operation) in relation to an adult if it considers that doing so—

- (a) would be likely to endanger the adult or the adult's property; or
- (b) would amount to a serious threat to the liberty or life of a member of the adult's family.

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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\(b\)](#)