

Status: This version of this provision is prospective.

Changes to legislation: *Mental Capacity Act (Northern Ireland) 2016, Section 144 is up to date with all changes known to be in force on or before 20 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*



2016 CHAPTER 18

PART 9

POWER OF POLICE TO REMOVE PERSON TO PLACE OF SAFETY

Powers of police to detain person removed from public place

PROSPECTIVE

Sections 142 and 143: the detention conditions

- 144.**—(1) This section applies for the purposes of sections 142 and 143.
- (2) The detention conditions are that—
- (a) failure to detain the person for the permitted purposes would create a risk of serious physical or psychological harm to the person or of serious physical harm to other persons;
 - (b) detaining the person in the place of safety for those purposes is a proportionate response to the likelihood and seriousness of the harm concerned;
 - (c) because of an impairment of or disturbance in the functioning of the mind or brain (temporary or permanent, and however caused), the person is unable to make a decision for himself or herself as to whether he or she should remain in the place of safety; and
 - (d) detention in the place of safety for those purposes is in the person's best interests.
- (3) In this section—

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“the place of safety” means the hospital or police station to which the person mentioned in section 142(1) or 143(1) has been taken;

“the permitted purposes” means—

- (a) where the place of safety is a hospital, the purpose mentioned in section 142(2);
- (b) where the place of safety is a police station, the purpose mentioned in section 143(2)(a) or (b).

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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\(b\)](#)