

*Status: This version of this provision is prospective.*

**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, Section 167 is up to date with all changes known to be in force on or before 22 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*



## 2016 CHAPTER 18

### PART 10

#### CRIMINAL JUSTICE

##### CHAPTER 2

##### POWERS OF COURT ON CONVICTION

###### *Public protection orders with and without restrictions*

PROSPECTIVE

#### **Public protection orders with and without restrictions**

**167.**—(1) This section applies where—

- (a) a person is convicted before the Crown Court of an offence punishable with imprisonment, other than an offence for which the sentence is fixed by law; or
- (b) a person is convicted by a court of summary jurisdiction of an offence punishable on summary conviction with imprisonment.

(2) The court may—

- (a) if the detention conditions are met, make a public protection order without restrictions;
- (b) if the detention conditions and the restriction condition are met, make a public protection order with restrictions.

For the meaning of “the detention conditions” and “the restriction condition” see sections 168 and 169.

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- (3) In this Part (except paragraph (b)) “public protection order without restrictions” means an order which—
- (a) requires that the offender be admitted to and detained in an appropriate establishment which is specified in the order; and
  - (b) provides that the order is to be treated as a public protection order without restrictions.
- (4) In this Part (except paragraph (b)) “public protection order with restrictions” means an order which—
- (a) requires that the offender be admitted to and detained in an appropriate establishment which is specified in the order; and
  - (b) either—
    - (i) provides (with no time limit) that the order is to be treated as a public protection order with restrictions; or
    - (ii) provides that for a specified period the order is to be treated as a public protection order with restrictions.
- (5) For the effect of public protection orders without restrictions and public protection orders with restrictions see—
- (a) section 171 (effect of public protection orders with and without restrictions);
  - (b) Chapter 3 (detention under public protection orders without restrictions); and
  - (c) Chapter 4 (detention under public protection orders with restrictions: restrictions on discharge etc).
- (6) In this Part “appropriate establishment” means—
- (a) a hospital; or
  - (b) a care home—
    - (i) in which care is provided for people who have an impairment of, or a disturbance in the functioning of, the mind or brain; and
    - (ii) which is designated by the Department of Justice for the purposes of this paragraph.
- (7) In this Part “public protection order” (without more) means a public protection order without restrictions or a public protection order with restrictions.

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**Changes and effects yet to be applied to :**

- s. 167(2) modified (temp.) by [2020 c. 7 Sch. 11 para. 14](#)

**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\(b\)](#)