

Status: This version of this provision is prospective.

Changes to legislation: *Mental Capacity Act (Northern Ireland) 2016, Section 208 is up to date with all changes known to be in force on or before 23 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 10

CRIMINAL JUSTICE

CHAPTER 6

UNFITNESS TO BE TRIED ETC

Procedure during trial on indictment

PROSPECTIVE

Remission for trial where person no longer unfit to be tried

208.—(1) This section applies where—

- (a) findings mentioned in section 207(1)(a) have been recorded in respect of a person;
- (b) the person is liable to be detained under a public protection order made under section 207 or is subject to a supervision and assessment order made under that section; and
- (c) a suitable medical practitioner notifies the Department of Justice that, in that practitioner's opinion, the person is no longer unfit to be tried.

(2) If the person is liable to be detained under a public protection order—

- (a) the Department of Justice may remit the person to the Crown Court at the relevant place, for trial; and

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- (b) where it does so, the order ceases to have effect once the person has arrived at the Crown Court at the relevant place and the Crown Court has made any order relating to the trial.
- (3) If the person is subject to a supervision and assessment order—
 - (a) the Department of Justice may remit the person's case to the Crown Court at the relevant place, for trial; and
 - (b) where it does so, the order ceases to have effect once the person's case has been so remitted and the Crown Court has made any order relating to the trial.
- (4) In this section—
 - “the relevant place” means the place where, but for the findings mentioned in subsection (1)(a), the person would have been tried;
 - “a suitable medical practitioner” means—
 - (a) the responsible medical practitioner; or
 - (b) any approved medical practitioner.

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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\(b\)](#)