2016 CHAPTER 18

PART 10

CRIMINAL JUSTICE

CHAPTER 6

UNFITNESS TO BE TRIED ETC

Restraining orders

PROSPECTIVE

Power to make restraining order following finding of unfitness to plead etc

210.—(1) In Article 7 of the Protection from Harassment (Northern Ireland) Order 1997 (restraining orders on conviction) ("the 1997 Order")—

(a) in the heading at the end insert " etc ";

(b) for paragraph (7) substitute—

"(7) A court—

(a) which deals with a person convicted of an offence under this Article, or

(b) before which a person is acquitted of an offence under this Article,

may vary or discharge the order in question by a further order.

(8) In paragraphs (1) and (7) references to a person convicted of an offence include—

Status: *This version of this provision is prospective.*
Changes to legislation: *Mental Capacity Act (Northern Ireland) 2016, Section 210 is up to date with all changes known to be in force on or before 14 May 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) a person in respect of whom findings that the person is unfit to be tried, and that the person did the act or made the omission charged against him or her in respect of the offence, have been made; and

(b) a person in respect of whom a public protection order (as defined by section167 of the Mental Capacity Act (Northern Ireland) 2016) has been made in respect of the offence by virtue of section 209 of that Act.

(9) Where an order under this Article is made in respect of a person by virtue of paragraph (7)(b) or (8), the person has the same right of appeal against the order as if—

(a) the person had been convicted of the offence in question before the court that made the order; and

(b) that court had made the order when dealing with the person in respect of that offence.”.

(2) In Article 7A(2) of the 1997 Order (restraining orders on acquittal) after “7” insert “ (and paragraph (8) so far as applying for the purposes of paragraph (7)) ”.

(3) The amendments made by subsections (1) and (2) apply in relation to offences committed (or alleged to have been committed) before (as well as after) the coming into operation of this section.

(4) In Article 7(8)(b) of the 1997 Order (inserted by subsection (1))—

(a) the reference to a public protection order is to be read, until the coming into operation of section 167, as a reference to a hospital order within the meaning of the Mental Health Order; and

(b) the reference to section 209 is to be read, until the coming into operation of that section, as a reference to Article 44(4) of the Mental Health Order.

Status:
This version of this provision is prospective.

Changes to legislation:
Mental Capacity Act (Northern Ireland) 2016, Section 210 is up to date with all changes known to be in force on or before 14 May 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.
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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)