

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

**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, Section 244 is up to date with all changes known to be in force on or before 04 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 9**

##### **SUPPLEMENTARY**

*Detention under Part 10: further provision*

PROSPECTIVE

#### **Absence without permission**

**244.—**(1) This section applies where a person liable to be detained under a public protection order, or liable to be detained in a hospital under a hospital direction or hospital transfer direction—

- (a) absents himself or herself from the establishment concerned, without permission given under the relevant section;
- (b) fails to return to the establishment concerned at the end of an occasion or period for which he or she was given permission under the relevant section to be absent, or on being recalled under that section; or
- (c) absents himself or herself, without permission, from any place where he or she is required to be by conditions imposed on the grant of a permission under the relevant section.

(2) The person may be taken into custody and returned to that establishment or place by—

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- (a) any person on the staff of the establishment concerned;
  - (b) any constable;
  - (c) any approved social worker; or
  - (d) any person authorised in writing by the managing authority of the establishment concerned.
- (3) In this section—
- “the relevant section” means—
- (a) in relation to a person liable to be detained under a public protection order without restrictions, section 187;
  - (b) in relation to a person liable to be detained under a public protection order with restrictions or liable to be detained in a hospital under a hospital direction or hospital transfer direction, section 195;
- “the establishment concerned” means the hospital or other establishment where the person is liable to be detained under the order or direction.

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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\(b\)](#)