

Status: This version of this provision is prospective.

Changes to legislation: *Mental Capacity Act (Northern Ireland) 2016, Section 245 is up to date with all changes known to be in force on or before 26 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 9

SUPPLEMENTARY

Detention under Part 10: further provision

PROSPECTIVE

Effect of court order or direction on previous authority for hospital detention

245.—(1) Where a person is admitted to a hospital or other establishment in pursuance of a public protection order or hospital direction, any previous relevant authority by virtue of which the person was liable to be detained ceases to have effect.

(2) Each of the following is a “relevant authority” for the purposes of subsection (1)—

- (a) a public protection order;
- (b) an authorisation under Part 2.

(3) But if the public protection order or hospital direction mentioned in subsection (1), or any conviction to which it relates, is quashed on appeal—

- (a) that subsection does not apply; and

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- (b) where the previous relevant authority was a public protection order without restrictions, section 189 (effect of custodial sentence) has effect as if, during any period for which the person was liable to be detained under the quashed order or direction, the person had been detained in custody.
- (4) Where the person mentioned in subsection (1) is under 16—
- (a) the reference in subsection (1) to a relevant authority includes an application or medical report under the Mental Health Order; and
 - (b) in subsection (3)—
 - (i) the reference to a public protection order without restrictions includes a reference to such an application or medical report; and
 - (ii) the reference to section 189 includes a reference to Article 31 of that Order.

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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\(b\)](#)