

*These notes refer to the Mental Capacity Act (Northern Ireland)
2016 (c.18) which received Royal Assent on 9 May 2016*

Mental Capacity Act (Northern Ireland) 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 11 – Transfer between Jurisdictions

Section 256 – Removal of certain persons detained under Part 10 to England or Wales

Section 256 establishes a framework for the transfer of patients from Northern Ireland to England or Wales who are detained under a public protection order or a hospital direction made under section 211, 214 or 220. The Department of Justice may authorise the removal of a person to England or Wales if certain conditions are met. These conditions are that failure to remove the person would be more likely than not to result in serious physical or psychological harm to the person or serious physical harm to others; and that arrangements have been made for admitting the person to hospital in the other jurisdiction in which care or treatment that is appropriate in the person's case is available.