

Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Cross Heading: Warrants 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



2016 CHAPTER 18

PART 15

SUPPLEMENTARY

Warrants

Warrants

292.—(1) This section applies if it appears to a lay magistrate, on complaint on oath made by an officer of an HSC trust or a constable—

- (a) that there is reasonable cause to believe that a relevant person is to be found on any premises;
- (b) that admission to the premises has been refused or that a refusal of such admission is apprehended; and
- (c) that it is reasonable in the circumstances to issue a warrant.

(2) The lay magistrate may issue a warrant authorising any constable accompanied by a medical practitioner to enter the premises, if need be by force, and remove the relevant person.

(3) A constable executing a warrant under subsection (2) may be accompanied by an approved social worker (as well as a medical practitioner).

(4) It is not necessary to name the relevant person in any complaint or warrant under this section.

(5) In this section “relevant person” means a person who—

- (a) by virtue of this Act, is liable to be detained in a place in circumstances amounting to a deprivation of liberty; and
- (b) is, by virtue of this Act, to be taken to that place.

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Commencement Information

- II** S. 292 in operation at 2.12.2019 for specified purposes by S.R. 2019/163, art. 2(4), Sch. Pt. 4 (with art. 3) (as amended by S.R. 2019/190, art. 2)

PROSPECTIVE

Warrants: persons liable to be detained under 1983 Act or 2005 Order

293.—(1) This section applies if it appears to a lay magistrate, on complaint on oath made by an authorised person—

- (a) that there is reasonable cause to believe that a person who may be taken into custody by virtue of a provision mentioned in subsection (3)(a) or (b) (a “relevant person”) is to be found on any premises, and
- (b) that admission to the premises has been refused or that a refusal of such admission is apprehended.

(2) The lay magistrate may issue a warrant authorising any constable accompanied by a medical practitioner to enter the premises, if need be by force, and remove the relevant person.

(3) In this section “authorised person” means a person authorised by or under—

- (a) section 88 of the Mental Health Act 1983, or
- (b) article 8 of the Mental Health (Care and Treatment) (Scotland) Act 2003 (Consequential Provisions) Order 2005,

to take any relevant person into custody in Northern Ireland.

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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\(b\)](#)