

*Status: This version of this cross heading contains provisions that are prospective.*  
**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, Cross Heading: Requirements to attend for treatment with serious consequences 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 2

#### LACK OF CAPACITY: PROTECTION FROM LIABILITY, AND SAFEGUARDS

##### CHAPTER 4

##### ADDITIONAL SAFEGUARD: AUTHORISATIONS ETC

PROSPECTIVE

#### *Requirements to attend for treatment with serious consequences*

##### **Requirements to attend for certain treatment**

- 28.**—(1) This section applies where the act mentioned in section 9(1) is—
- (a) the imposition on P of a requirement to attend at a particular place at particular times or intervals for the purpose of being given treatment that would or might be treatment with serious consequences (an “attendance requirement”); or
  - (b) an act done for the purpose of ensuring that P complies with an attendance requirement.
- (2) Section 9(2) (protection from liability) applies to the act only if—
- (a) the requirement is authorised; and
  - (b) the receipt of treatment condition (as well as the conditions of section 9(1) (c) and (d), and any other conditions that apply under this Part) is met.

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(3) Subsection (2)(a) does not apply where the situation is an emergency (see section 65).

(4) For the purposes of subsection (2)(a) the requirement is “authorised” if, at the time the act is done, there is in force an authorisation granted under Schedule 1 which permits that requirement to be imposed.

(5) The receipt of treatment condition is that at the time the act is done D reasonably believes that—

(a) failure to impose the requirement, or

(b) where the requirement is already imposed, failure to ensure that P complies with the requirement,

would be more likely than not to result in P's not receiving the treatment.

#### **Duty to revoke requirement where criteria no longer met**

**29.—(1)** If—

(a) an attendance requirement has been authorised under Schedule 1 and has been imposed on a person, and

(b) at any time after the imposition of the requirement, the medical practitioner in charge of the treatment considers that any of the conditions in subsection (2) is no longer met,

the requirement must be revoked.

(2) Those conditions are—

(a) that the person lacks capacity in relation to whether he or she should attend at the place and times or intervals concerned for the purpose of being given the treatment;

(b) that it is more likely than not that, without the attendance requirement, the person would not receive the treatment;

(c) that the attendance requirement is in the person's best interests.

(3) Nothing in subsection (1) limits the effect of section 28 (under which acts to ensure compliance with an attendance requirement are unlawful if certain conditions are not met).

(4) Where an attendance requirement is revoked in the circumstances mentioned in subsection (1)(b), another attendance requirement may not be imposed on the person by virtue of the same authorisation.

(5) In this section “attendance requirement” has the same meaning as in section 28.

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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\(b\)](#)