

*Status: This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, SCHEDULE 6 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*

## SCHEDULES

PROSPECTIVE

### SCHEDULE 6

Section 184.

Extension by panel of public protection order without restrictions

#### *Preliminary*

- 1** In this Schedule, in relation to a public protection order without restrictions—
- “the criteria for continuation” has the meaning given by section 185;
  - “the establishment concerned” has the meaning given by paragraph 2(3);
  - “the person concerned” means the person to whom the order relates;
  - “the relevant trust” has the meaning given by paragraph 2(3);
  - “the responsible social worker” means the approved social worker who is in charge of the person concerned's case.

#### *Applications for extension of public protection order without restrictions*

- 2.—(1)** An application under this Schedule may be made where—
- (a) a public protection order without restrictions has been made;
  - (b) the person concerned is still liable to be detained under the order;
  - (c) it has been proposed that the period of the order should be extended under section 181 or 182; and
  - (d) an extension under that section is not possible, because the responsible social worker does not consider that the criteria for continuation are met.
- (2)** An application under this Schedule is an application to the relevant trust for an extension of the period of the order.
- (3)** In this Schedule—
- “the relevant trust” means the HSC trust in whose area the establishment concerned is situated;
  - “the establishment concerned” means the establishment in which the person concerned would be liable to be detained if the period of the order were extended.

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### *Who may make application*

- 3.—(1) Any application under this Schedule must be made by a person who—
- (a) is of a prescribed description; and
  - (b) is unconnected with the person concerned.
- (2) Regulations under sub-paragraph (1)(a) may in particular prescribe, as a description of persons who may make an application under this Schedule—
- (a) an approved social worker;
  - (b) a person of a prescribed description who is designated by the managing authority of the establishment concerned as a person who may make applications under this Schedule.

### *Contents of application*

- 4 An application under this Schedule must—
- (a) be in the prescribed form;
  - (b) include a medical report (see paragraph 5);
  - (c) include a care plan (see paragraph 6);
  - (d) include prescribed information about the views of any prescribed person; and
  - (e) include any prescribed information.

### *Medical report*

- 5.—(1) The medical report must be in the prescribed form and must—
- (a) be made by a medical practitioner who is unconnected with the person concerned and is permitted by regulations under section 300 to make the report;
  - (b) include a statement by the person making the medical report that, in that person's opinion, the criteria for continuation are met; and
  - (c) include any prescribed information.
- (2) The maker of the medical report must have examined the person concerned not more than two days before the date when the report is made.

### *Care plan*

- 6 The care plan must be in the prescribed form and must include such information relating to what is proposed as may be prescribed.

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### *Panel to consider application*

7.—(1) Where the relevant trust receives an application duly made under this Schedule, it must as soon as practicable—

- (a) give prescribed information to the person concerned and any prescribed person; and
- (b) constitute a panel to consider the application.

(2) Section 297 (general provision about panels) applies to a panel constituted under this paragraph.

### *Decision on application*

8.—(1) Having considered the application, the panel must do one of the following—

- (a) extend the period of the order in accordance with sub-paragraph (2);
- (b) refuse the application.

(2) The panel may only extend the period of the order as follows—

- (a) where the period of the order has not previously been extended, the extension must be 6 months beginning immediately after the date when the period of the order would otherwise end;
- (b) where the period of the order has previously been extended under section 181 or 182 or this Schedule, the extension must be one year beginning immediately after the date when the period of the order would otherwise end.

(3) The panel may extend the period of the order only if it considers that the criteria for continuation are met.

(4) No extension of the period of the order may be made at a time after the person concerned has ceased to be liable to be detained under the order.

### *Time limit for panel's decision, and duty to notify decision*

9.—(1) The panel must comply with paragraph 8(1) as soon as practicable and in any case no later than the end of the permitted period.

(2) The “permitted period” is 7 working days beginning with the day on which the application is received by the trust (or, if that day is not a working day, beginning with the first working day after that).

(3) As soon as practicable after granting or refusing an extension under paragraph 8, the panel must give written notice of the grant or refusal, and any prescribed information, to the person concerned and any prescribed person.

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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\(b\)](#)