

*Status: This version of this part contains provisions that are prospective.*  
*Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Part 1 is up to date with all changes known to be in force on or before 13 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 9

#### International protection of adults

#### **Part 1**

#### Preliminary

##### *Introduction*

1 Paragraphs 2 to 5 apply for the purposes of this Schedule.

##### *The Convention*

2.—(1) “Convention” means the Convention on the International Protection of Adults signed at the Hague on 13th January 2000.

(2) “Convention country” means a country in which the Convention is in force.

(3) A reference to an Article or Chapter is to an Article or Chapter of the Convention.

(4) Subject to paragraph 4, an expression which appears in this Schedule and in the Convention is to be construed in accordance with the Convention.

##### *Countries, territories and nationals*

3.—(1) “Country” includes a territory which has its own system of law.

(2) Where a country has more than one territory with its own system of law, a reference to the country, in relation to one of its nationals, is to the territory with which the national has the closer, or the closest, connection.

##### *Adults with incapacity*

4 “Adult” means a person who—

(a) as a result of an impairment or insufficiency of the person's personal faculties, cannot protect his or her interests; and

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(b) is 16 or over.

### *Protective measures*

5.—(1) “Protective measure” means a measure directed to the protection of the person or property of an adult; and it may deal in particular with any of the following—

- (a) the determination of incapacity and the institution of a protective regime;
- (b) placing the adult under the protection of an appropriate authority;
- (c) guardianship, curatorship or any corresponding system;
- (d) the designation and functions of a person having charge of the adult's person or property, or representing or otherwise helping the adult;
- (e) placing the adult in a place where protection can be provided;
- (f) administering, conserving or disposing of the adult's property;
- (g) authorising a specific intervention for the protection of the person or property of the adult.

(2) Where a measure of like effect to a protective measure has been taken in relation to a person while the person is under 16, this Schedule applies to the measure in so far as it has effect in relation to the person once the person is 16 or over.

### *Application of this Schedule*

6.—(1) This Schedule does not apply to a relevant person where <sup>F1</sup>... the following applies—

- (a) the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at the Hague on 19 October 1996;

<sup>F2</sup>(b) .....

(2) In this paragraph “relevant person” means a person who is 16 or over but under 18.

#### **Textual Amendments**

- F1** Words in Sch. 9 para. 6(1) omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/519), reg. 1(1), **Sch. para. 29(a)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)

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**F2** Sch. 9 para. 6(1)(b) omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/519\)](#), reg. 1(1), **Sch. para. 29(b)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, 5(2)); 2020 c. 1, Sch. 5 para. 1(1)

### *Central Authority*

7.—(1) Any function under the Convention of a Central Authority is exercisable in Northern Ireland by the Department of Justice.

(2) A communication may be sent to the Central Authority in relation to Northern Ireland by sending it to the Department of Justice.

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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\(b\)](#)