
Status: This version of this part contains provisions that are prospective.
Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Part 2 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 9

International protection of adults

Part 2

Jurisdiction

Scope of jurisdiction

8.—(1) The court may exercise its functions under this Act (in so far as it cannot otherwise do so) in relation to—

- (a) an adult habitually resident in Northern Ireland;
- (b) an adult's property in Northern Ireland;
- (c) an adult present in Northern Ireland or who has property there, if the matter is urgent; or
- (d) an adult present in Northern Ireland, if a protective measure which is temporary and limited in its effect to Northern Ireland is proposed in relation to the adult.

(2) An adult present in Northern Ireland is to be treated for the purposes of this paragraph as habitually resident there if—

- (a) the habitual residence of the adult cannot be ascertained;
- (b) the adult is a refugee; or
- (c) the adult has been internationally displaced as a result of disturbance in the country of the adult's habitual residence.

9.—(1) The court may also exercise its functions under this Act (in so far as it cannot otherwise do so) in relation to an adult if sub-paragraph (2) or (3) applies in relation to that adult.

(2) This sub-paragraph applies in relation to an adult if—

- (a) the adult is a British citizen;

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(b) the adult has a closer connection with Northern Ireland than with any other part of the United Kingdom; and

(c) Article 7 has, in relation to the matter concerned, been complied with.

(3) This sub-paragraph applies in relation to an adult if the Department of Justice, having consulted such persons as it considers appropriate, agrees to a request under Article 8 in relation to the adult.

Exercise of jurisdiction

10.—(1) This paragraph applies where jurisdiction is exercisable under this Schedule in connection with a matter which involves a Convention country other than Northern Ireland.

(2) Any Article on which the jurisdiction is based applies in relation to the matter in so far as it involves the other country (and the court must, accordingly, comply with any duty conferred on it as a result).

(3) Article 12 also applies, so far as its provisions allow, in relation to the matter in so far as it involves the other country.

11 A reference in this Schedule to the exercise of jurisdiction under this Schedule is to the exercise of functions under this Act as a result of this Part.

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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\(b\)](#)