

Status: This version of this provision is prospective.

Changes to legislation: *Mental Capacity Act (Northern Ireland) 2016, Section 32 is up to date with all changes known to be in force on or before 20 September 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 **N.I.**

LACK OF CAPACITY: PROTECTION FROM LIABILITY, AND SAFEGUARDS

CHAPTER 4 **N.I.**

ADDITIONAL SAFEGUARD: AUTHORISATIONS ETC

Community residence requirements

PROSPECTIVE

Duty to revoke community residence requirement where criteria no longer met **N.I.**

32.—(1) If—

- (a) a community residence requirement which is permitted by an authorisation under Schedule 1 to be imposed on a person has been imposed, and
- (b) at any time after the imposition of the requirement, the approved social worker in charge of the person's case 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 the matters covered by the community residence requirement;

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- (b) that revoking the community residence requirement would create a risk of harm to the person;
- (c) that keeping the requirement in place is a proportionate response to—
 - (i) the likelihood of harm to the person if the requirement were revoked; and
 - (ii) the seriousness of the harm concerned;
- (d) that the community residence requirement is in the person's best interests.

(3) Subsection (1) is without prejudice to section 30 (under which acts to ensure compliance with a community residence requirement are unlawful if criteria are not met).

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

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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\(b\)](#)