
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 163

**The Mental Capacity (2016 Act) (Commencement
No. 1) Order (Northern Ireland) 2019**

Citation and interpretation

1.—(1) This Order may be cited as the Mental Capacity (2016 Act) (Commencement No. 1) Order (Northern Ireland) 2019.

(2) In this Order—

“the 1986 Order” means the Mental Health (Northern Ireland) Order 1986;

“the Act” means the Mental Capacity Act (Northern Ireland) 2016;

“an act” is an act that requires the protection of liability in accordance with section 9 of the Act;

“deprivation of liberty” has the same meaning as in the Act subject to the conditions in Article 3;

“offences” means the offences found in sections 267 to 270 and 272 to 273 of the Act; and

“research” means research under sections 132 to 138 of the Act.

Commencement Information

I1 Art. 1 in operation at 29.8.2019

Appointed days for provisions coming into force

2.—(1) The day appointed for the coming into operation of the provisions of the Act specified in Part 1 of the Schedule for all purposes is 1st October 2019.

(2) The day appointed for the coming into operation of the provisions of the Act specified in Part 2 of the Schedule, in so far as it relates to an act that is a deprivation of liberty, research, offences or section 276 (power to make regulations about dealing with money and valuables), is 1st October 2019.

(3) The day appointed for the coming into operation of the provisions of the Act specified in Part 3 of the Schedule, in so far as it relates to an act that is a deprivation of liberty, is 1st October 2019.

(4) The day appointed for coming into operation of the provisions of the Act specified in Part 4 of the Schedule, in so far as it relates to an act that is a deprivation of liberty, is 1st October 2020.

Commencement Information

I2 Art. 2 in operation at 29.8.2019

Status: Point in time view as at 29/08/2019.

Changes to legislation: There are currently no known outstanding effects for the The Mental Capacity (2016 Act) (Commencement No. 1) Order (Northern Ireland) 2019. (See end of Document for details)

Limitations to commencement

3. The provisions of the Act that are included in the Schedule and which are commenced by Article 2 of this Order do not apply in any circumstances in which a deprivation of liberty may instead be authorised by virtue of the provisions contained in Part 2 or Part 3 of the Mental Health (Northern Ireland) Order 1986.

Commencement Information

I3 Art. 3 in operation at 29.8.2019

Transitional provisions

4. Until the coming into operation of section 265 of the Act, the duty on hospital managers which appears at Article 3D “In-patients under 16: duties of hospital managers”, which is to be inserted into the Mental Health (NI) Order 1986 by section 266 of and Schedule 8 paragraph 4 to the Act shall apply to in-patients under 18 and the heading at Article 3D shall instead be construed as “In-patients under 18 – duties of hospital managers”.

Commencement Information

I4 Art. 4 in operation at 29.8.2019

Sealed with the Official Seal of the Department of Health on 29th August 2019.



Mark Lee
A senior officer of the Department of Health.

Status:

Point in time view as at 29/08/2019.

Changes to legislation:

There are currently no known outstanding effects for the The Mental Capacity (2016 Act) (Commencement No. 1) Order (Northern Ireland) 2019.