## STATUTORY RULES OF NORTHERN IRELAND

# 2019 No. 190

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

#### Amendments of the principal Order

**2.**—(1) The principal Order is amended as follows.

(2) For Article 2 there shall be substituted—

#### "Appointed days for provisions coming into operation

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

(4) The day appointed for the 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 2nd December 2019.

(5) The day appointed for coming into operation of the provisions of the Act specified in Part 5 of the Schedule, in so far as it relates to an act that is a deprivation of liberty, is 2nd December 2020."

(3) For the Schedule there shall be substituted—

#### "SCHEDULE

Article 2

## PART 1

#### Provisions coming into operation on 1st October 2019 in so far as it relates to an act that is research

Provisions of the Act	Subject Matter
Sections 1 to 8	Principles, including capacity assessment and best interests
Sections 132 to 138	Research

# PART 2

### Provisions coming into operation on 2nd December 2019 for all purposes

Provisions of the Act	Subject Matter
3(1), (2), (3) but omit after "(Northern Ireland) 2016"	Amendments to the Mental Health (Northern Ireland) Order 1986 to allow for a functioning Review Tribunal and to provide a duty on hospital managers in relation to age appropriate accommodation
Section 274	The Review Tribunal - renaming
Section 276	Money and valuables
Section 303(2) and Schedule 11 in so far as it relates to Article 83 of, and Schedule 3 paragraph 4(1) and 5 to, the Mental Health (Northern Ireland) Order 1986	Repeals of parts of the Mental Health (Northern Ireland) Order 1986

# PART 3

### Provisions coming into operation on 2nd December 2019 in so far as it relates to an act that is a deprivation of liberty, offences or section 276 (power to make regulations about dealing with money and valuables)

Provisions of the Act	Subject Matter
Sections 1 to 8	Principles, including capacity assessment and best interests

# PART 4

# Provisions coming into operation on 2nd December 2019 in so far as it relates to an act that is a deprivation of liberty

Provisions of the Act	Subject Matter
Section 9(1) to (3)	Protection from liability - general
Section 9(4)(b)	Protection from liability – additional safeguards
In section 9(4)(d) "sections" and "24,26"	Protection from liability – additional safeguards
Section 9(5) and (6)	Protection from liability – help and support and parents
Section 10(1)	Limitations of section 9
Sections 13 to 15	Additional safeguards – formal assessment of capacity and nominated persons
Section 24	Deprivation of liberty – additional safeguards
Section 25 and Schedule 1 paragraphs 1, 2(1), 2(2)(b), 2(3), 2(4)(b), 3, 5 to 8, 10, 13 to 16, 19, 20 and 22 to 27 and Schedule 2	

Sections 26 and 27Deprivation of liberty – additional safeguardsSections 37 to 39Extensions of authorisationSection 40 and Schedule 3 paragraphs 1, 2(1), 2(2) (3(a), 3) to 9Extensions of authorisationSection 41(1), (2)(b), (3) and (4)Extensions of authorisationSection 42Extensions of authorisationSection 41(1) to (6) and (7)(a)Extensions of authorisationSection 43(1) to (6) and (7)(a)Extensions of authorisationSection 41(1) to (3)Review Tribunal applicationsSection 45(1) to (3)Review Tribunal applicationsSection 54(1) to (3)Review Tribunal applicationsSection 50(1)(a), (b) but omitting "or (d)", (c), (2) and (3)References to the TribunalSection 51(1) to (3), (4)(b) and (5)Review Tribunal powersSection 52 and 53Review Tribunal powersSection 52 (1), (2)(a), (3) and (4)Medical reports and nominated personSection 65(1), (2)(a), (3) and (4)Review Tribunal powersSection 60(1) and (2)(d)Review Tribunal powersSection 61, (2)(a), (2) (a), (2) (a), (2) and (2)Review Tribunal powersSection 63(2)(a)Review Tribunal powersSection 64Review Tribunal powersSection 65(1) but omitting "16" to "20" and "28 and "intervention"Section 65(1) but omitting "16" to "20" and "28 and "intervention"Section 65(1) but omitting "16	Provisions of the Act	Subject Matter
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Section 80(1) to (4), (5)(a) to (c), (f) and (g), (6) and (7)Nominated persons provisionsSections 81 to 85Nominated persons provisionsSection 267(1), (2)(a), (3) and (4)Offence of ill-treatment and neglectSection 268(1), (2), (3)(a), (c), (d), (4), (5)Offence of forgery, false statement, etc	Sections 67 to 68	
Sections 81 to 85Nominated persons provisionsSection 267(1), (2)(a), (3) and (4)Offence of ill-treatment and neglectSection 268(1), (2), (3)(a), (c), (d), (4), (5)Offence of forgery, false statement, etc	Sections 69 to 79	Nominated persons provisions
Section 267(1), (2)(a), (3) and (4)Offence of ill-treatment and neglectSection 268(1), (2), (3)(a), (c), (d), (4), (5)Offence of forgery, false statement, etc	Section 80(1) to (4), (5)(a) to (c), (f) and (g), (6) and (7)	Nominated persons provisions
Section 268(1), (2), (3)(a), (c), (d), (4), (5) Offence of forgery, false statement, etc	Sections 81 to 85	Nominated persons provisions
	Section 267(1), (2)(a), (3) and (4)	Offence of ill-treatment and neglect
Section 270 Offence of assisting a person to absent themselves	Section 268(1), (2), (3)(a), (c), (d), (4), (5)	Offence of forgery, false statement, etc
	Section 270	Offence of assisting a person to absent themselves

Provisions of the Act	Subject Matter
Section 272(1) to (3), (4)(b) until "48" and (c) but omitting "or 126"	Offences of obstruction
Section 273	Offences by bodies corporate
Section 275	Review Tribunal
Section 280	Approved social workers
Section 281	Miscellaneous functions of HSC trusts
Section 288(1)(a) to (c), (e) and (i), (2) to (8)	Code of Practice
Section 289(1), (2)(a), (b), (3) and (4)	Code of Practice
Sections 290(1) and (2)(a), (c) and (d) and 291(1) and (2)(a) and (c) and (3)	Provision of information and facilities
Section 292	Warrants
Section 296	Special accommodation
Section 297	Trust panels
Section 299	Risk of serious physical harm to others
Section 300(1)(a) and (c) to (e), and (2) to (4)	Medical practitioners who can make medical reports
Section 301	Documents appearing to be duly made

# PART 5

# Provisions coming into operation on 2nd December 2020 in so far as it relates to an act that is a deprivation of liberty

Provisions of the Act	Subject Matter
Section 269	Offence of unlawful detention"