

*Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Cross Heading: Miscellaneous functions of HSC trusts 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*



## 2016 CHAPTER 18

### PART 14

#### MISCELLANEOUS

##### *Miscellaneous functions of HSC trusts*

#### **Appointment of approved social workers**

**280.**—(1) In this Act “approved social worker” means a social worker appointed by an HSC trust under this section.

(2) An HSC trust must appoint a sufficient number of social workers under this section for the purpose of performing the functions conferred on approved social workers by or under this Act.

(3) An HSC trust may appoint a person under this section only if the person is approved by the trust as having appropriate competence in dealing with people who lack capacity.

(4) In determining whether to approve a person as having such competence, an HSC trust must have regard to such matters as the Department may direct.

(5) Any power under this Act to prescribe a description of person includes power to prescribe approved social workers or approved social workers of a particular description.

#### **Commencement Information**

- II** S. 280 in operation at 2.12.2019 for specified purposes by [S.R. 2019/163](#), art. 2(4), [Sch. Pt. 4](#) (with art. 3) (as amended by [S.R. 2019/190](#), art. 2)

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### Miscellaneous functions of HSC trusts

**281.**—(1) An HSC trust may, to such extent as may be prescribed or approved by the Department—

- (a) pay to persons who lack capacity, and who are receiving care or treatment in any place, such amounts as the trust considers appropriate in respect of those persons' occasional personal expenses where it appears to the trust that those persons would otherwise be without resources to meet those expenses;
- (b) provide financial assistance for any person who is absent with permission from a place of detention, where the needs of the person are such that such assistance is necessary to give full effect to treatment provided to the person or to provide for the person's settlement or resettlement in the community;
- (c) contribute to the maintenance of persons who are subject to community residence requirements (as defined by section 31);
- (d) pay to persons who by virtue of this Act are subject to requirements to attend for the purpose of any treatment, education, occupation or training amounts in respect of those persons' expenses in complying with such requirements;
- (e) provide, or co-operate in the provision of, suitable training or occupation (whether in premises provided by the Department or elsewhere) for persons who lack capacity.

(2) In subsection (1)(b) “place of detention” means a place where the person is detained, by virtue of this Act, in circumstances amounting to a deprivation of liberty.

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#### Commencement Information

- I2** S. 281 in operation at 2.12.2019 for specified purposes by S.R. 2019/163, art. 2(4), Sch. Pt. 4 (with art. 3) (as amended by S.R. 2019/190, art. 2)

**Changes to legislation:**

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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\(b\)](#)