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*Status: This version of this part contains provisions that are prospective.*  
*Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Part 4 is up to date with all changes known to be in force on or before 13 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*

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## SCHEDULES

PROSPECTIVE

### SCHEDULE 7

#### Supervision and assessment orders

#### **Part 4**

#### Amendment or revocation of order

##### *Amendment of order: general*

**8.—**(1) A court of summary jurisdiction may, on the application of the supervised person or the supervising officer, amend a supervision and assessment order—

- (a) by cancelling any of the requirements of the order; or
- (b) by inserting in the order (either in addition to or in substitution for any such requirement) any requirement which the court could include if it were the court by which the order was made and were then making it.

(2) The power of a court under sub-paragraph (1) does not include power to amend an order by extending any period specified in it beyond the end of 3 years from the date of the original order.

##### *Amendment of order: change of area of residence*

**9.—**(1) This paragraph applies where—

- (a) a supervision and assessment order requires the supervised person to be under the supervision of a social worker, and
- (b) (in accordance with paragraph 3(4)) the order specifies the HSC trust for the area in which the person resides (“the current trust”).

(2) If a court of summary jurisdiction is satisfied that the supervised person proposes to change, or has changed, his residence to the area of another HSC trust, the court may amend the order by substituting, for the current trust, the other HSC trust.

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(3) The court must amend the order as mentioned in sub-paragraph (2) if the supervising officer applies for it to do so.

(4) Where—

(a) the court amends a supervision and assessment order under this paragraph, and

(b) the order contains requirements which in the opinion of the court cannot be complied with if the supervised person ceases to reside in the area of the current trust,

the court must either cancel those requirements or substitute for them other requirements which can be complied with if the supervised person ceases to reside in that area.

#### *Medical reports*

**10.**—(1) In this paragraph “relevant medical practitioner” means a medical practitioner by whom or under whose direction the supervised person—

(a) has been assessed in pursuance of a supervision and assessment order, or

(b) is being treated for a disorder in pursuance of such an order.

(2) Sub-paragraph (3) applies where any of the following conditions is met—

(a) the order requires the supervised person to attend or make himself or herself available for assessment at specified intervals, but a relevant medical practitioner considers that assessment at longer intervals is sufficient for the purposes mentioned in paragraph 2(3)(a) and (b);

(b) a relevant medical practitioner considers that it is necessary or desirable, for the purposes mentioned in paragraph 2(3)(a) and (b), to assess the supervised person more frequently than specified in the order;

(c) a relevant medical practitioner considers that the supervised person no longer requires treatment for his or her disorder;

(d) a relevant medical practitioner considers that the supervised person's disorder is not (or is no longer) susceptible to treatment;

(e) a relevant medical practitioner considers that the assessment period should be extended (subject to sub-paragraph (5));

(f) a relevant medical practitioner is for any reason unwilling to continue to assess or treat, or direct the assessment or treatment of, the supervised person;

(g) a relevant medical practitioner becomes aware that the supervised person has been admitted to hospital as an in-patient.

(3) The relevant medical practitioner must make a report in writing to that effect to the supervising officer.

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- (4) The supervising officer must—
- (a) in the case of a report made as mentioned in sub-paragraph (2)(a), inform the court which made the order;
  - (b) in the case of a report made as mentioned in sub-paragraph (2)(b) to (f), apply to a court of summary jurisdiction for the order to be amended as the court considers appropriate (including by cancelling the assessment element);
  - (c) in the case of a report made as mentioned in sub-paragraph (2)(g), apply to a court of summary jurisdiction for the assessment element to be suspended whilst the supervised person remains an in-patient.
- (5) On an application made in the case of a report made as mentioned in sub-paragraph (2)(e)—
- (a) if the court considers it appropriate for the assessment period to end later than the end of the existing supervision period, the court may extend the supervision period;
  - (b) the assessment period (as extended) must not end later than the end of the supervision period (as extended); and
  - (c) neither period may be extended beyond the end of 3 years from the date of the original order.

#### *Revocation of order*

**11.—**(1) A court that has made a supervision and assessment order may, on the application of the supervised person or the supervising officer, revoke the order under this paragraph.

(2) The court may do so only if the court is satisfied that, having regard to circumstances which have arisen since the order was made, it would be in the interests of the health or welfare of the supervised person to revoke the order.

#### *Procedural requirements on amendment or revocation of order*

**12.—**(1) On the making under any of paragraphs 8 to 11 of an order amending or revoking a supervision and assessment order, the court must as soon as practicable give to the supervising officer at least 2 copies of the amending or revoking order.

(2) The supervising officer, when given copies under sub-paragraph (1), must give a copy of the amending or revoking order to—

- (a) the supervised person, and
- (b) if the supervised person is receiving in-patient treatment or is residing in a hospital, the person in charge of that hospital.

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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\(b\)](#)