

Status: This version of this provision is prospective.

Changes to legislation: Mental Capacity Act (Northern Ireland) 2016, Section 170 is up to date with all changes known to be in force on or before 27 March 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 10

CRIMINAL JUSTICE

CHAPTER 2

POWERS OF COURT ON CONVICTION

Public protection orders with and without restrictions

PROSPECTIVE

Further provision about making of public protection orders

170.—(1) Nothing in a provision mentioned in subsection (2) prevents a court from making a public protection order in respect of an offence the sentence for which would otherwise fall to be imposed under that provision.

(2) The provisions referred to in subsection (1) are—

- (a) Article 70(2) of the Firearms (Northern Ireland) Order 2004;
- (b) paragraph 2(4) or (5) of Schedule 2 to the Violent Crime Reduction Act 2006;
- (c) Article 13 or 14 of the Criminal Justice (Northern Ireland) Order 2008;
- (d) section 7 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.

(3) Any reference in this section to a sentence falling to be imposed under a provision mentioned in subsection (2) is to be read in accordance with Article 4(2) of the Criminal Justice (Northern Ireland) Order 2008.

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- (4) Where a public protection order is made in respect of an offence, the court—
- (a) may not pass a custodial sentence or impose a fine or make a probation order in respect of the offence; but
 - (b) may make any other order which the court has power to make.

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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\(b\)](#)