

**Changes to legislation:** *Mental Capacity Act (Northern Ireland) 2016, SCHEDULE 11 is up to date with all changes known to be in force on or before 22 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*

## SCHEDULES

### SCHEDULE 11

Section 290.

#### Repeals

##### Commencement Information

- II** Sch. 11 in operation at 2.12.2019 for specified purposes by S.R. 2019/163, art. 2(2), **Sch. Pt. 2** (with art. 3) (as amended by S.R. 2019/190, art. 2)

Short Title	Extent of Repeal
The Sale of Goods Act 1979 (c.54)	In section 3(2), the words “mental incapacity or”.
The Criminal Appeal (Northern Ireland) Act 1980 (c.47)	Section 13(6). Section 50(1A). Schedule 2.
The Mental Health (Northern Ireland) Order 1986 (NI 4)	In Article 2— <ol style="list-style-type: none"> <li>(a) in paragraph (2)—               <ol style="list-style-type: none"> <li>(i) the definitions of “guardianship application”, “hospital order” and “guardianship order”, “interim hospital order”, “restriction direction”, “restriction order” and “transfer direction”;</li> <li>(ii) in the definition of “the applicant” the words from “and, in relation” to the end;</li> <li>(iii) in the definition of “patient” the words “(except in Part VIII)”;</li> <li>(iv) in the definition of “responsible authority” paragraph (b);</li> </ol> </li> <li>(b) in paragraph (2A) the words “107(1B),” and “, 123(1)”;</li> </ol>

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(c) paragraph (3).

Article 8(3).

Article 12(3).

Articles 18 to 26.

In the italic heading before Article 27  
the words “or guardianship”.

In Article 27—

- (a) in paragraph (1)—
  - (i) the words “or subject to guardianship” in each place;
  - (ii) in sub-paragraph (b) the words “or guardianship”;
  - (iii) the words “or the commencement or renewal of the authority for his guardianship”;
- (b) in paragraph (2)—
  - (i) the words “or subject to guardianship” in each place;
  - (ii) in sub-paragraph (a)(i) the words “; 24”;
  - (iii) the words “or his reception into guardianship”;
- (c) in paragraph (4)—
  - (i) the words “or subject to guardianship”;
  - (ii) the words from “and, in” to “guardian of the patient”.

In Article 28—

- (a) paragraphs (5) to (7);
- (b) in paragraph (9) the words from “and, in” to “guardian of the patient”.

In Article 29—

- (a) paragraph (2);
- (b) in paragraph (3) the words “or subject to guardianship, as the case may be,”.

In Article 30—

- (a) in paragraph (1)—

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- (i) the words “or subject to guardianship”;
- (ii) the words “or subject” in the second place where they occur;
- (b) in paragraph (2) the words “or subject to guardianship”;
- (c) in paragraph (3) the words “or guardianship”.

In Article 31—

- (a) in paragraph (1)—
  - (i) the words “or subject to guardianship”;
  - (ii) the words “or subject” in the second place they occur;
- (b) in paragraph (2)—
  - (i) the words “or subject to guardianship” in each place;
  - (ii) the words “or subject” in the last place they occur.

In Article 32(3) the words “or his reception into guardianship”.

In Article 33 the words “who is a child or young person”.

Article 34(3).

In Article 35(1) the words “or subject to guardianship”.

In Article 36(3)—

- (a) in sub-paragraph (c) the words “or a guardianship application”;
- (b) the word “or” after sub-paragraph (c);
- (c) in sub-paragraph (d) the words “or guardianship”.

In Article 37(4)—

- (a) the words “or subject to guardianship”;
- (b) the words “or subject” in the second, third and fourth places where they occur.

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Article 39(3).

In Article 40—

- (a) in the heading the words “or guardianship”;
- (b) in paragraph (1) the words “or a guardianship application”;
- (c) in paragraph (2) the words “or guardianship (as the case may be)”;
- (d) in paragraph (5) the words “or Article 19(3) to (6)”.

In Article 41 the words “guardianship application,”.

Part 3.

In Article 71—

- (a) paragraph (2);
- (b) in paragraph (3) the words from “or the authority” to “Article 23”;
- (c) in paragraph (4)—
  - (i) sub-paragraph (b);
  - (ii) the words “or, as the case may be, Article 24(7)”;
- (d) in paragraph (5) the words “or subject to guardianship”.

In Article 72(1) the words “or subject to guardianship”.

In Article 73(1)—

- (a) the words “or his guardianship”;
- (b) the words “or 23”.

Articles 74 to 76.

In Article 77—

- (a) in the heading the words “other than restricted patients”;
- (b) paragraph (3);
- (c) paragraph (5).

Articles 78 to 80.

In Article 81 the words “or subject to guardianship”.

In Article 83—

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- (a) in paragraph (2)(a) and (i) the words “under this Order”;
- (b) in paragraph (5) the words “by this Order or by rules under this Article”.

Article 84.

Part 6.

Article 90(1).

Articles 91 to 94.

Article 96.

Part 8.

In Article 111(1)(a) the words “and the reception of patients into guardianship”.

Article 113(1)(c).

Article 118(1)(a).

In Article 124(1)(a) the words “or being subject to guardianship under this Order”.

Article 127(2).

Article 128.

In Article 129—

- (a) paragraph (3);
- (b) in paragraph (7) the words “any police station”.

Article 130.

In Article 132—

- (a) in paragraph (1)(b) the words “or subject to guardianship”;
- (b) in paragraph (2)—
  - (i) the words “or subject to guardianship”;
  - (ii) the words from “(not being” to “such an order”;
- (c) in paragraph (3) the words “or Article 130”;
- (d) paragraph (6).

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Article 133(1).

Schedules 2 and 2A.

In Schedule 3—

- (a) in paragraph 4(1) the words “under this Order”;
  - (b) in paragraph 5 the words “under this Order”.
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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\(b\)](#)