



2016 CHAPTER 18

PART 2

LACK OF CAPACITY: PROTECTION  
FROM LIABILITY, AND SAFEGUARDS

CHAPTER 4

ADDITIONAL SAFEGUARD: AUTHORISATIONS ETC

*Treatment with serious consequences*

**Meaning of “treatment with serious consequences”**

**21.—**(1) In this Part “treatment with serious consequences” means treatment which—

- (a) causes the person to whom it is given serious pain, serious distress, or serious side-effects;
  - (b) is major surgery;
  - (c) affects seriously the options that will be available to that person in the future, or has a serious impact on his or her day-to-day life; or
  - (d) in any other way has serious consequences for that person, whether physical or non-physical.
- (2) Regulations may provide that treatment of a specified description—
- (a) is to be regarded as treatment falling within a particular paragraph of subsection (1); or
  - (b) is not to be regarded as such treatment.
- (3) If—

- (a) the act mentioned in section 9(1) is, or is done in the course of, the provision to P of treatment which turns out to be treatment with serious consequences, but
- (b) at the time when the act is done D reasonably believes that the risk that the treatment will turn out to be treatment with such consequences is negligible,

the act is to be treated for the purposes of this Part as if the treatment were not treatment with serious consequences.