

Changes to legislation: *Mental Capacity Act 2005, Paragraph 58 is up to date with all changes known to be in force on or before 12 April 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

[^{F1}SCHEDULE AA1

DEPRIVATION OF LIBERTY: AUTHORISATION OF ARRANGEMENTS ENABLING CARE AND TREATMENT

Textual Amendments

- F1** Sch. AA1 inserted (16.5.2019 for specified purposes) by [Mental Capacity \(Amendment\) Act 2019 \(c. 18\)](#), s. 6(3), [Sch. 1](#)

PART 8

TRANSITORY PROVISION

- 58 Until the repeal of section 324 of the Education Act 1996 made by paragraph 4(1) and (9) of Schedule 1 to the [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#) comes fully into force—
- (a) paragraph [10\(1\)\(b\)](#) has effect as if there were substituted—
 - “(b) if the cared-for person has an individual development plan or a statement of special educational needs—
 - (i) the local authority responsible for maintaining that plan or statement, or
 - (ii) in the case of an individual development plan which is not maintained by a local authority, the local authority whose area the cared-for person is in;”
 - (b) paragraph [10\(5\)\(b\)](#) has effect as if there were substituted—
 - “(b) if the cared-for person has an individual development plan or a statement of special educational needs—
 - (i) the local authority responsible for maintaining that plan or statement, or
 - (ii) in the case of an individual development plan which is not maintained by a local authority, the local authority whose area the cared-for person is in;”, and
 - (c) paragraph [10\(8\)](#) has effect as if at the end there were inserted—
 - ““statement of special educational needs” means a statement within the meaning of section 324 of the Education Act 1996.””]

Changes to legislation:

Mental Capacity Act 2005, Paragraph 58 is up to date with all changes known to be in force on or before 12 April 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.

[View outstanding changes](#)

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. 58(4)(ca) inserted by [2023 c. 42 Sch. para. 10](#)
- Sch. 1 para. 4A inserted by [2023 c. 42 Sch. para. 3](#)
- Sch. 1 para. 10A and cross-heading inserted by [2023 c. 42 Sch. para. 6](#)
- Sch. 1 para. 13A inserted by [2023 c. 42 Sch. para. 7\(2\)](#)
- Sch. 1 para. 16(1A) inserted by [2023 c. 42 Sch. para. 8\(b\)](#)