Mental Capacity Act 2005 (c. 9)
SCHEDULE A1 – Hospital and care home residents: deprivation of liberty
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[F1]SCHEDULE A1

HOSPITAL AND CARE HOME RESIDENTS: DEPRIVATION OF LIBERTY

PART 11

IMCAS

Section 39C IMCA: functions

159 (1) This paragraph applies if, and for as long as, there is a section 39C IMCA.

(2) In the application of the relevant provisions, references to the relevant person's representative are to be read as references to the section 39C IMCA.

(3) But sub-paragraph (2) does not apply to any function under the relevant provisions for as long as the function is suspended in accordance with provision made under Part 10.

(4) In this paragraph and paragraph 160 the relevant provisions are—
    (a)   paragraph 102(3)(b) (request for review under Part 8);
    (b)   paragraph 108(1)(b) (notice of review under Part 8);
    (c)   paragraph 120(1)(c) (notice of outcome of review under Part 8).

160 (1) This paragraph applies if—
    (a)   a person is appointed as the relevant person's representative, and
    (b)   a person accordingly ceases to hold an appointment as a section 39C IMCA.

(2) Where a function under a relevant provision has been exercised by, or towards, the section 39C IMCA, there is no requirement for that function to be exercised again by, or towards, the relevant person's representative.]

Status:
Point in time view as at 03/11/2008.

Changes to legislation:
Mental Capacity Act 2005, Cross Heading: Section 39C IMCA: functions is up to date with all changes known to be in force on or before 15 November 2023. 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.