

Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Paragraph 51. (See end of Document for details)

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 7

EXCLUDED ARRANGEMENTS: MENTAL HEALTH

Kinds of mental health arrangements

- 51 (1) This paragraph applies if the following conditions are met.
- (2) Condition 1 is that—
- (a) an application in respect of P could be made under section 2 or 3 of the Mental Health Act, and
 - (b) P could be detained in a hospital in pursuance of such an application, were one made.
- (3) Condition 2 is that P is not subject to any of these—
- (a) the hospital treatment regime;
 - (b) a community treatment order under section 17A of the Mental Health Act;
 - (c) a guardianship application under section 7 of the Mental Health Act;
 - (d) a guardianship order under section 37 of the Mental Health Act;
 - (e) anything which has the same effect as something within paragraph (b), (c) or (d), under another England and Wales enactment.
- (4) Condition 3 is that the arrangements are or include arrangements for P to be accommodated in a hospital for the purpose of being given medical treatment for mental disorder.
- (5) Condition 4 is that P objects—
- (a) to being accommodated in a hospital for that purpose, or
 - (b) to being given some or all of that treatment.
- (6) Condition 5 is that a donee or deputy has not made a valid decision to consent to each matter to which P objects.
- (7) For provision about determining whether P objects see paragraph 52.]

Changes to legislation:

There are currently no known outstanding effects for the Mental Capacity Act 2005, Paragraph 51.