



# Mental Capacity Act 2005

## 2005 CHAPTER 9

### PART 1

#### PERSONS WHO LACK CAPACITY

##### *[<sup>F1</sup>Powers of the court in relation to Schedule A1*

VALID FROM 01/04/2009

#### **[<sup>F1</sup>21A Powers of court in relation to Schedule A1**

- (1) This section applies if either of the following has been given under Schedule A1—
  - (a) a standard authorisation;
  - (b) an urgent authorisation.
- (2) Where a standard authorisation has been given, the court may determine any question relating to any of the following matters—
  - (a) whether the relevant person meets one or more of the qualifying requirements;
  - (b) the period during which the standard authorisation is to be in force;
  - (c) the purpose for which the standard authorisation is given;
  - (d) the conditions subject to which the standard authorisation is given.
- (3) If the court determines any question under subsection (2), the court may make an order—
  - (a) varying or terminating the standard authorisation, or
  - (b) directing the supervisory body to vary or terminate the standard authorisation.
- (4) Where an urgent authorisation has been given, the court may determine any question relating to any of the following matters—
  - (a) whether the urgent authorisation should have been given;

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*Status: Point in time view as at 03/11/2008. This version of this provision is not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 21A. (See end of Document for details)*

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- (b) the period during which the urgent authorisation is to be in force;
  - (c) the purpose for which the urgent authorisation is given.
- (5) Where the court determines any question under subsection (4), the court may make an order—
- (a) varying or terminating the urgent authorisation, or
  - (b) directing the managing authority of the relevant hospital or care home to vary or terminate the urgent authorisation.
- (6) Where the court makes an order under subsection (3) or (5), the court may make an order about a person's liability for any act done in connection with the standard or urgent authorisation before its variation or termination.
- (7) An order under subsection (6) may, in particular, exclude a person from liability.]

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#### **Textual Amendments**

- F1** S. 21A and preceding cross-heading inserted (1.4.2009) by [Mental Health Act 2007 \(c. 12\)](#), ss. 50, 56, [Sch. 9 para. 2](#); S.I. 2009/139, [art. 2\(e\)](#) (with [art. 3](#))

**Status:**

Point in time view as at 03/11/2008. This version of this provision is not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 21A.