



Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

Miscellaneous and supplementary

44 Ill-treatment or neglect

- (1) Subsection (2) applies if a person (“D”)—
 - (a) has the care of a person (“P”) who lacks, or whom D reasonably believes to lack, capacity,
 - (b) is the donee of a lasting power of attorney, or an enduring power of attorney (within the meaning of Schedule 4), created by P, or
 - (c) is a deputy appointed by the court for P.
- (2) D is guilty of an offence if he ill-treats or wilfully neglects P.
- (3) A person guilty of an offence under this section is liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine or both.

Status:

Point in time view as at 01/04/2008. This version of this provision has been superseded.

Changes to legislation:

Mental Capacity Act 2005, Section 44 is up to date with all changes known to be in force on or before 03 March 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.