



# Mental Capacity Act 2005

## 2005 CHAPTER 9

### PART 1

#### PERSONS WHO LACK CAPACITY

##### *Preliminary*

#### [<sup>F1</sup>4A Restriction on deprivation of liberty

- (1) This Act does not authorise any person (“D”) to deprive any other person (“P”) of his liberty.
- (2) But that is subject to—
  - (a) the following provisions of this section, and
  - (b) section 4B.
- (3) D may deprive P of his liberty if, by doing so, D is giving effect to a relevant decision of the court.
- (4) A relevant decision of the court is a decision made by an order under section 16(2)(a) in relation to a matter concerning P's personal welfare.
- (5) D may deprive P of his liberty if the deprivation is authorised by Schedule A1 (hospital and care home residents: deprivation of liberty).]

#### Textual Amendments

- F1** Ss. 4A, 4B inserted (1.4.2009) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 50(2)**, 56; S.I. 2009/139, **art. 2(b)** (with art. 3)

**Status:**

Point in time view as at 01/04/2009. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 4A.