



Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

Preliminary

VALID FROM 01/04/2009

[^{F1}4B Deprivation of liberty necessary for life-sustaining treatment etc

- (1) If the following conditions are met, D is authorised to deprive P of his liberty while a decision as respects any relevant issue is sought from the court.
- (2) The first condition is that there is a question about whether D is authorised to deprive P of his liberty under section 4A.
- (3) The second condition is that the deprivation of liberty—
 - (a) is wholly or partly for the purpose of—
 - (i) giving P life-sustaining treatment, or
 - (ii) doing any vital act, or
 - (b) consists wholly or partly of—
 - (i) giving P life-sustaining treatment, or
 - (ii) doing any vital act.
- (4) The third condition is that the deprivation of liberty is necessary in order to—
 - (a) give the life-sustaining treatment, or
 - (b) do the vital act.
- (5) A vital act is any act which the person doing it reasonably believes to be necessary to prevent a serious deterioration in P's condition.]

Status: Point in time view as at 03/11/2008.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 4B. (See end of Document for details)

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Point in time view as at 03/11/2008.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 4B.