

**Changes to legislation:** *Mental Capacity Act 2005, Paragraph 130 is up to date with all changes known to be in force on or before 05 October 2023. 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. (See end of Document for details) View outstanding changes*

## SCHEDULES

### SCHEDULE A1

#### [<sup>F1</sup>HOSPITAL AND CARE HOME RESIDENTS: DEPRIVATION OF LIBERTY]

##### Textual Amendments

- F1** Sch. A1 omitted (16.5.2019 for specified purposes) by virtue of [Mental Capacity \(Amendment\) Act 2019 \(c. 18\)](#), s. 6(3), [Sch. 2 para. 2\(c\)](#)

#### [<sup>F1</sup>PART 9

##### ASSESSMENTS UNDER THIS SCHEDULE

###### *Supervisory body to select assessor*

- 130 (1) This paragraph applies to regulations under paragraph 129(3).
- (2) The regulations may make provision relating to a person's—
- (a) qualifications,
  - (b) skills,
  - (c) training,
  - (d) experience,
  - (e) relationship to, or connection with, the relevant person or any other person,
  - (f) involvement in the care or treatment of the relevant person,
  - (g) connection with the supervisory body, or
  - (h) connection with the relevant hospital or care home, or with any other establishment or undertaking.
- [<sup>F2</sup>(2A) In relation to England—
- (a) the provision that the regulations may make in relation to a person's training in connection with best interests assessments includes provision for particular training to be specified by Social Work England or the Secretary of State otherwise than in the regulations;
  - (b) the provision that the regulations may make in relation to a person's training in connection with other assessments includes provision for particular training to be specified by the Secretary of State otherwise than in the regulations.
- (2B) The regulations may give Social Work England power to charge fees for specifying any training as mentioned in sub-paragraph (2A)(a).

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- (2C) If the regulations give Social Work England power to charge fees, section 50(2) to (7) of the Children and Social Work Act 2017 apply for the purposes of sub-paragraph (2B) as they apply for the purposes of that section.]
- (3) [<sup>F3</sup>In relation to Wales] the provision that the regulations may make in relation to a person's training may provide for particular training to be specified by [<sup>F4</sup>the Welsh Ministers] otherwise than in the regulations.
- <sup>F5</sup>(4) .....
- (5) The regulations may make provision requiring a person to be insured in respect of liabilities that may arise in connection with the carrying out of an assessment.
- (6) In relation to cases where two or more assessments are to be obtained for the purposes of the relevant procedure, the regulations may limit the number, kind or combination of assessments which a particular person is eligible to carry out.
- (7) Sub-paragraphs (2) to (6) do not limit the generality of the provision that may be made in the regulations.]

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**Textual Amendments**

- F2** Sch. A1 para. 130(2A)-(2C) inserted (1.4.2018) by [Children and Social Work Act 2017 \(c. 16\), ss. 49\(2\), 70\(2\)](#); S.I. 2018/346, reg. 4(q)
- F3** Words in Sch. A1 para. 130(3) inserted (1.4.2018) by [Children and Social Work Act 2017 \(c. 16\), ss. 49\(3\)\(a\), 70\(2\)](#); S.I. 2018/346, reg. 4(q)
- F4** Words in Sch. A1 para. 130(3) substituted (1.4.2018) by [Children and Social Work Act 2017 \(c. 16\), ss. 49\(3\)\(b\), 70\(2\)](#); S.I. 2018/346, reg. 4(q)
- F5** Sch. A1 para. 130(4) omitted (1.4.2018) by virtue of [Children and Social Work Act 2017 \(c. 16\), ss. 49\(4\), 70\(2\)](#); S.I. 2018/346, reg. 4(q)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 58(4)(ca) inserted by [2023 c. 42 Sch. para. 10](#)
- Sch. 1 para. 4A inserted by [2023 c. 42 Sch. para. 3](#)
- Sch. 1 para. 10A and cross-heading inserted by [2023 c. 42 Sch. para. 6](#)
- Sch. 1 para. 13A inserted by [2023 c. 42 Sch. para. 7\(2\)](#)
- Sch. 1 para. 16(1A) inserted by [2023 c. 42 Sch. para. 8\(b\)](#)