Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Cross Heading: The best interests requirement. (See end of Document for details)

SCHEDULES

SCHEDULE A1

[F1HOSPITAL 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)

[F1PART 3

THE QUALIFYING REQUIREMENTS

The best interests requirement

- 16 (1) The relevant person meets the best interests requirement if all of the following conditions are met.
 - (2) The first condition is that the relevant person is, or is to be, a detained resident.
 - (3) The second condition is that it is in the best interests of the relevant person for him to be a detained resident.
 - (4) The third condition is that, in order to prevent harm to the relevant person, it is necessary for him to be a detained resident.
 - (5) The fourth condition is that it is a proportionate response to—
 - (a) the likelihood of the relevant person suffering harm, and
 - (b) the seriousness of that harm,

for him to be a detained resident.]

Changes to legislation:

There are currently no known outstanding effects for the Mental Capacity Act 2005, Cross Heading: The best interests requirement.