

*Status: Point in time view as at 01/04/2009.*

*Changes to legislation: Mental Capacity Act 2005, Paragraph 15 is up to date with all changes known to be in force on or before 15 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)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 1A

#### PERSONS INELIGIBLE TO BE DEPRIVED OF LIBERTY BY THIS ACT

##### Textual Amendments

- F1** Sch. 1A inserted (1.4.2009) by Mental Health Act 2007 (c. 12), ss. 50, 56, Sch. 8 (with s. 50(8)-(13)); S.I. 2009/139, art. 2(d) (with art. 3)

#### PART 2

##### INTERPRETATION

###### *Authorised course of action, relevant care or treatment & relevant instrument*

- 15 (1) This paragraph applies where the question whether a person is ineligible to be deprived of liberty by this Act is relevant to either of these decisions—
- (a) whether or not to include particular provision (“the proposed provision”) in an order under section 16(2)(a);
  - (b) whether or not to give a standard authorisation under Schedule A1.
- (2) A reference in this Schedule to the authorised course of action or the relevant care or treatment is to be read as a reference to that thing as it would be if—
- (a) the proposed provision were included in the order, or
  - (b) the standard authorisation were given.
- (3) A reference in this Schedule to the relevant instrument is to be read as follows—
- (a) where the relevant instrument is an order under section 16(2)(a): as a reference to the order as it would be if the proposed provision were included in it;
  - (b) where the relevant instrument is a standard authorisation: as a reference to the standard authorisation as it would be if it were given.]

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