

Status: Point in time view as at 01/04/2009.

Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Cross Heading: Authorised course of action, relevant care or treatment & relevant instrument. (See end of Document for details)

SCHEDULES

[^{F1}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

- 13 In a case where this Schedule applies for the purposes of section 16A—
“authorised course of action” means any course of action amounting to deprivation of liberty which the order under section 16(2)(a) authorises;
“relevant care or treatment” means any care or treatment which—
(a) comprises, or forms part of, the authorised course of action, or
(b) is to be given in connection with the authorised course of action;
“relevant instrument” means the order under section 16(2)(a).
- 14 In a case where this Schedule applies for the purposes of paragraph 17 of Schedule A1—
“authorised course of action” means the accommodation of the relevant person in the relevant hospital or care home for the purpose of being given the relevant care or treatment;
“relevant care or treatment” has the same meaning as in Schedule A1;
“relevant instrument” means the standard authorisation under Schedule A1.
- 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.

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- (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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