

Status: Point in time view as at 01/10/2012.

Changes to legislation: Mental Capacity Act 2005, Part 2 is up to date with all changes known to be in force on or before 21 May 2024. 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

[^{F1}SCHEDULE A1

HOSPITAL AND CARE HOME RESIDENTS: DEPRIVATION OF LIBERTY

Textual Amendments

- F1** Sch. A1 inserted (1.4.2008 for certain purposes and otherwise 1.4.2009) by [Mental Health Act 2007 \(c. 12\)](#), ss. 50, 56, [Sch. 7](#); [S.I. 2008/745](#), [art. 4\(a\)](#); [S.I. 2009/139](#), [art. 2\(c\)](#) (with [art. 3](#), [Sch. paras. 3, 4](#))

PART 2

INTERPRETATION: MAIN TERMS

Introduction

- 5 This Part applies for the purposes of this Schedule.

Detained resident

- 6 “Detained resident” means a person detained in a hospital or care home — for the purpose of being given care or treatment — in circumstances which amount to deprivation of the person's liberty.

Relevant person etc

- 7 In relation to a person who is, or is to be, a detained resident—
“relevant person” means the person in question;
“relevant hospital or care home” means the hospital or care home in question;
“relevant care or treatment” means the care or treatment in question.

Authorisations

- 8 “Standard authorisation” means an authorisation given under Part 4.
9 “Urgent authorisation” means an authorisation given under Part 5.
10 “Authorisation under this Schedule” means either of the following—
(a) a standard authorisation;
(b) an urgent authorisation.
11 (1) The purpose of a standard authorisation is the purpose which is stated in the authorisation in accordance with paragraph 55(1)(d).

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- (2) The purpose of an urgent authorisation is the purpose which is stated in the authorisation in accordance with paragraph 80(d).]

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