

*Status: Point in time view as at 01/10/2013.*

*Changes to legislation: Mental Capacity Act 2005, Part 2 is up to date with all changes known to be in force on or before 20 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

### [<sup>F1</sup>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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