Mental Capacity Act 2005 (c. 9)
SCHEDULE A1 – Hospital and care home residents: deprivation of liberty
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S C H E D U L E S

[F1SCHEDULE 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 3

THE QUALIFYING REQUIREMENTS

The qualifying requirements

12   (1) These are the qualifying requirements referred to in this Schedule—

    (a)   the age requirement;

    (b)   the mental health requirement;

    (c)   the mental capacity requirement;

    (d)   the best interests requirement;

    (e)   the eligibility requirement;

    (f)   the no refusals requirement.

(2) Any question of whether a person who is, or is to be, a detained resident meets the qualifying requirements is to be determined in accordance with this Part.

(3) In a case where—

    (a)   the question of whether a person meets a particular qualifying requirement arises in relation to the giving of a standard authorisation, and

    (b)   any circumstances relevant to determining that question are expected to change between the time when the determination is made and the time when the authorisation is expected to come into force,

those circumstances are to be taken into account as they are expected to be at the later time.]

Status:
Point in time view as at 01/08/2014.

Changes to legislation:
Mental Capacity Act 2005, Cross Heading: The qualifying requirements is up to date with all changes known to be in force on or before 18 June 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.