

*Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Paragraph 23. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE AA1

#### DEPRIVATION OF LIBERTY: AUTHORISATION OF ARRANGEMENTS ENABLING CARE AND TREATMENT

##### Textual Amendments

- F1** Sch. AA1 inserted (16.5.2019 for specified purposes) by [Mental Capacity \(Amendment\) Act 2019 \(c. 18\)](#), s. 6(3), [Sch. 1](#)

### PART 2

#### AUTHORISATION OF ARRANGEMENTS

##### *Consultation*

- 23 (1) Consultation under this paragraph must be carried out—
- (a) if the arrangements are care home arrangements and—
    - (i) authorisation is being determined under paragraph 19, or
    - (ii) renewal is being determined under paragraph 35,by the care home manager;
  - (b) otherwise, by the responsible body.
- (2) The following must be consulted—
- (a) the cared-for person,
  - (b) anyone named by the cared-for person as someone to be consulted about arrangements of the kind in question,
  - (c) anyone engaged in caring for the cared-for person or interested in the cared-for person's welfare,
  - (d) any donee of a lasting power of attorney or an enduring power of attorney (within the meaning of Schedule 4) granted by the cared-for person,
  - (e) any deputy appointed for the cared-for person by the court, and
  - (f) any appropriate person and any independent mental capacity advocate concerned (see Part 5).
- (3) The main purpose of the consultation required by sub-paragraph (2) is to try to ascertain the cared-for person's wishes or feelings in relation to the arrangements.
- (4) If it is not practicable or appropriate to consult a particular person falling within sub-paragraph (2) the duty to consult that person does not apply.]

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Capacity Act 2005, Paragraph 23.