

*Status: Point in time view as at 01/07/2022.*

*Changes to legislation: Mental Capacity Act 2005, Paragraph 3 is up to date with all changes known to be in force on or before 04 January 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 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 1

#### INTRODUCTORY AND INTERPRETATION

##### Definitions

3 In this Schedule—

“Approved Mental Capacity Professional” means a person approved in accordance with Part 4 as an Approved Mental Capacity Professional for the purposes of this Schedule;

“arrangements” must be read in accordance with paragraph 2;

“authorisation” means authorisation of arrangements under this Schedule, and “authorise” and related words are to be read accordingly;

“authorisation conditions” has the meaning given by paragraph 13;

“authorisation record” has the meaning given by paragraph 27;

“care home” means—

(a) a place which is a care home within the meaning given by section 3 of the Care Standards Act 2000, or

(b) a place in Wales at which a care home service within the meaning of Part 1 of the [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#) is provided wholly or mainly to persons aged 18 or over;

“care home arrangements” means arrangements, in relation to a cared-for person aged 18 or over, carried out wholly or partly in a care home;

“care home manager”, in relation to a care home or care home arrangements, means—

(a) in relation to England, the person registered, or required to be registered, under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the provision of residential accommodation, together with nursing or personal care, in the care home, and

(b) in relation to Wales, the person registered, or required to be registered, under Chapter 2 of Part 1 of the [Regulation and Inspection of Social](#)

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**Care (Wales) Act 2016 (anaw 2)** in respect of the provision of a care home service, in the care home;

“cared-for person” has the meaning given by paragraph 2(1);

F2 ...

“Education, Health and Care plan” means a plan within the meaning of section 37(2) of the Children and Families Act 2014;

“English responsible body” has the meaning given by paragraph 11;

“hospital manager” has the meaning given by paragraph 7;

“independent hospital” has the meaning given by paragraph 5;

[<sup>F3</sup>“integrated care board” means a body established under section 14Z25 of the National Health Service Act 2006;”.]

“local authority” has the meaning given by paragraph 4;

“Local Health Board” means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;

“mental disorder” has the meaning given by section 1(2) of the Mental Health Act;

“mental health arrangements” has the meaning given by paragraph 46;

“mental health requirements” has the meaning given by paragraph 57;

“NHS hospital” has the meaning given by paragraph 5;

“responsible body” has the meaning given by paragraph 6;

“specified”, except in paragraph 57, means specified in an authorisation record;

“Welsh responsible body” has the meaning given by paragraph 12.]

#### Textual Amendments

- F2** Words in Sch. AA1 para. 3 omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 82(2)(a); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F3** Words in Sch. AA1 para. 3 inserted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 82(2)(b); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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