

Changes to legislation: *Mental Capacity Act 2005, Paragraph 50 is up to date with all changes known to be in force on or before 22 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) View outstanding changes*

SCHEDULES

[^{F1}SCHEDULE AA1 U.K.]

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 7 U.K.

EXCLUDED ARRANGEMENTS: MENTAL HEALTH

Kinds of mental health arrangements

- 50 (1) This paragraph applies if the following conditions are met.
- (2) Condition 1 is that P is subject to—
- (a) a guardianship application under section 7 of the Mental Health Act,
 - (b) a guardianship order under section 37 of that Act, or
 - (c) anything which has the same effect as something within paragraph (a) or (b), under another England and Wales enactment.
- (3) Condition 2 is that the arrangements are or include arrangements for P to be accommodated in a hospital for the purpose of being given medical treatment for mental disorder.
- (4) Condition 3 is that P objects—
- (a) to being accommodated in a hospital for that purpose, or
 - (b) to being given some or all of that treatment.
- (5) Condition 4 is that a donee or deputy has not made a valid decision to consent to each matter to which P objects.
- (6) For provision about determining whether P objects see paragraph [52.](#)]

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 58(4)(ca) inserted by [2023 c. 42 Sch. para. 10](#)
- Sch. 1 para. 4A inserted by [2023 c. 42 Sch. para. 3](#)
- Sch. 1 para. 10A and cross-heading inserted by [2023 c. 42 Sch. para. 6](#)
- Sch. 1 para. 13A inserted by [2023 c. 42 Sch. para. 7\(2\)](#)
- Sch. 1 para. 16(1A) inserted by [2023 c. 42 Sch. para. 8\(b\)](#)