

Status: Point in time view as at 16/05/2019.

Changes to legislation: Mental Capacity Act 2005, Paragraph 51 is up to date with all changes known to be in force on or before 27 March 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

[^{F1}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 7

EXCLUDED ARRANGEMENTS: MENTAL HEALTH

Kinds of mental health arrangements

- 51 (1) This paragraph applies if the following conditions are met.
- (2) Condition 1 is that—
- (a) an application in respect of P could be made under section 2 or 3 of the Mental Health Act, and
 - (b) P could be detained in a hospital in pursuance of such an application, were one made.
- (3) Condition 2 is that P is not subject to any of these—
- (a) the hospital treatment regime;
 - (b) a community treatment order under section 17A of the Mental Health Act;
 - (c) a guardianship application under section 7 of the Mental Health Act;
 - (d) a guardianship order under section 37 of the Mental Health Act;
 - (e) anything which has the same effect as something within paragraph (b), (c) or (d), under another England and Wales enactment.
- (4) Condition 3 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.
- (5) Condition 4 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.
- (6) Condition 5 is that a donee or deputy has not made a valid decision to consent to each matter to which P objects.
- (7) For provision about determining whether P objects see paragraph 52.]

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