

Status: Point in time view as at 16/05/2019.

Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Part 4. (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 4

APPROVED MENTAL CAPACITY PROFESSIONALS

- 39 Each local authority must make arrangements—
- (a) for persons to be approved as Approved Mental Capacity Professionals, and
 - (b) to ensure that enough Approved Mental Capacity Professionals are available for its area.
- 40 (1) The appropriate authority may by regulations—
- (a) prescribe the criteria which must be met for a person to be eligible for approval as an Approved Mental Capacity Professional;
 - (b) prescribe matters which a local authority must or may take into account when deciding whether to approve a person as an Approved Mental Capacity Professional;
 - (c) provide for a prescribed body to approve training for persons who are, or who wish to become, Approved Mental Capacity Professionals.
- (2) Regulations under sub-paragraph (1)(a) may include criteria relating to qualifications, training or experience.
- (3) If regulations made by the Secretary of State under sub-paragraph (1)(c) provide for Social Work England to approve training, the regulations may—
- (a) give Social Work England power to charge fees for approval;
 - (b) give Social Work England power to make rules in relation to the charging of fees;
 - (c) make provision in connection with the procedure for making those rules (including provision requiring Social Work England to obtain the Secretary of State's approval before making rules).
- (4) Section 50(2) to (7) of the Children and Social Work Act 2017 apply for the purposes of sub-paragraph (3) as they apply for the purposes of that section.
- (5) "Prescribed" means prescribed by the regulations.

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- (6) The “appropriate authority” means—
- (a) the Secretary of State, in relation to the approval of a person by, or a person approved by, a local authority whose area is in England, and
 - (b) the Welsh Ministers, in relation to the approval of a person by, or a person approved by, a local authority whose area is in Wales.]

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