

**Changes to legislation:** Mental Capacity Act 2005, Part 8 is up to date with all changes known to be in force on or before 10 June 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

### [<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 8

#### TRANSITORY PROVISION

- 58 Until the repeal of section 324 of the Education Act 1996 made by paragraph 4(1) and (9) of Schedule 1 to the [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#) comes fully into force—
- (a) paragraph [10\(1\)\(b\)](#) has effect as if there were substituted—
    - “(b) if the cared-for person has an individual development plan or a statement of special educational needs—
      - (i) the local authority responsible for maintaining that plan or statement, or
      - (ii) in the case of an individual development plan which is not maintained by a local authority, the local authority whose area the cared-for person is in;”,
  - (b) paragraph [10\(5\)\(b\)](#) has effect as if there were substituted—
    - “(b) if the cared-for person has an individual development plan or a statement of special educational needs—
      - (i) the local authority responsible for maintaining that plan or statement, or
      - (ii) in the case of an individual development plan which is not maintained by a local authority, the local authority whose area the cared-for person is in;”, and
  - (c) paragraph [10\(8\)](#) has effect as if at the end there were inserted—
    - ““statement of special educational needs” means a statement within the meaning of section 324 of the Education Act 1996.””]

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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\(b\)](#)