Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

[F1Powers of the court in relation to Schedule A1

VALID FROM 01/04/2009

[F121A   Powers of court in relation to Schedule A1

(1) This section applies if either of the following has been given under Schedule A1—
   (a)   a standard authorisation;
   (b)   an urgent authorisation.

(2) Where a standard authorisation has been given, the court may determine any question relating to any of the following matters—
   (a)   whether the relevant person meets one or more of the qualifying requirements;
   (b)   the period during which the standard authorisation is to be in force;
   (c)   the purpose for which the standard authorisation is given;
   (d)   the conditions subject to which the standard authorisation is given.

(3) If the court determines any question under subsection (2), the court may make an order—
   (a)   varying or terminating the standard authorisation, or
   (b)   directing the supervisory body to vary or terminate the standard authorisation.

(4) Where an urgent authorisation has been given, the court may determine any question relating to any of the following matters—
   (a)   whether the urgent authorisation should have been given;

> (b) the period during which the urgent authorisation is to be in force;
> (c) the purpose for which the urgent authorisation is given.
>
> (5) Where the court determines any question under subsection (4), the court may make an order—
>> (a) varying or terminating the urgent authorisation, or
>> (b) directing the managing authority of the relevant hospital or care home to vary or terminate the urgent authorisation.
>
> (6) Where the court makes an order under subsection (3) or (5), the court may make an order about a person's liability for any act done in connection with the standard or urgent authorisation before its variation or termination.
>
> (7) An order under subsection (6) may, in particular, exclude a person from liability.]

Textual Amendments

F1 S. 21A and preceding cross-heading inserted (1.4.2009) by Mental Health Act 2007 (c. 12), ss. 50, 56, **Sch. 9 para. 2**; S.I. 2009/139, **art. 2(e)** (with art. 3)

Status:
Point in time view as at 01/03/2007. This version of this provision is not valid for this point in time.

Changes to legislation:
Mental Capacity Act 2005, Section 21A is up to date with all changes known to be in force on or before 18 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.