



# Mental Capacity Act 2005

## 2005 CHAPTER 9

### PART 1

#### PERSONS WHO LACK CAPACITY

#### *[<sup>F1</sup>Powers of the court in relation to Schedule AA1*

#### **[<sup>F1</sup>21ZA Powers of court in relation to Schedule AA1**

- (1) This section applies where an authorisation under Schedule AA1—
  - (a) has effect, or
  - (b) is to have effect from a date specified under paragraph 28 of that Schedule.
- (2) The court may determine any question relating to—
  - (a) whether Schedule AA1 applies to the arrangements, or whether the authorisation conditions are met;
  - (b) what period the authorisation has effect for;
  - (c) what the authorisation relates to.
- (3) If the court determines a question under subsection (2), the court may make an order—
  - (a) varying or terminating the authorisation;
  - (b) directing the responsible body to vary the authorisation.
- (4) Where the court makes an order under subsection (3) the court may make an order about a person's liability for anything done in carrying out the arrangements before the variation or termination.
- (5) An order under subsection (4) may, in particular, exclude a person from liability.
- (6) "Authorisation conditions" has the meaning given by paragraph 13 of Schedule AA1.]

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**Changes to legislation:** Mental Capacity Act 2005, Section 21ZA is up to date with all changes known to be in force on or before 24 July 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](#)

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#### Textual Amendments

- F1** [S. 21ZA](#) and cross-heading inserted (16.5.2019 for specified purposes) by [Mental Capacity \(Amendment\) Act 2019 \(c. 18\)](#), **ss. 3**, 6(3)

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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\(b\)](#)