



Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

Preliminary

[^{F1}4A Restriction on deprivation of liberty

- (1) This Act does not authorise any person (“D”) to deprive any other person (“P”) of his liberty.
- (2) But that is subject to—
 - (a) the following provisions of this section, and
 - (b) section 4B.
- (3) D may deprive P of his liberty if, by doing so, D is giving effect to a relevant decision of the court.
- (4) A relevant decision of the court is a decision made by an order under section 16(2)(a) in relation to a matter concerning P's personal welfare.
- (5) D may deprive P of his liberty if the deprivation is authorised by Schedule A1 (hospital and care home residents: deprivation of liberty).]

Textual Amendments

- F1** Ss. 4A, 4B inserted (1.4.2009) by [Mental Health Act 2007 \(c. 12\)](#), [ss. 50\(2\), 56](#); [S.I. 2009/139](#), [art. 2\(b\)](#) (with [art. 3](#))

Status:

Point in time view as at 01/10/2009. This version of this provision has been superseded.

Changes to legislation:

Mental Capacity Act 2005, Section 4A 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.