

SCHEDULES

SCHEDULE 9

AMENDMENTS RELATING TO NEW SECTION 4A OF, & SCHEDULE A1 TO, MENTAL CAPACITY ACT 2005

PART 1

OTHER AMENDMENTS TO MENTAL CAPACITY ACT 2005

New section 21A

2 [F1After section 21 insert—

“Powers of the court in relation to Schedule A1

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—

Changes to legislation: There are currently no known outstanding effects for the Mental Health Act 2007, Cross Heading: New section 21A. (See end of Document for details)

- (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** Sch. 9 para. 2 omitted (16.5.2019 for specified purposes) by virtue of [Mental Capacity \(Amendment\) Act 2019 \(c. 18\)](#), s. 6(3), [Sch. 2 para. 13](#)

Changes to legislation:

There are currently no known outstanding effects for the Mental Health Act 2007, Cross
Heading: New section 21A.