

Changes to legislation: Mental Capacity Act 2005, Cross Heading: Hospital treatment regime is up to date with all changes known to be in force on or before 19 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. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1A

[^{F1}PERSONS INELIGIBLE TO BE DEPRIVED OF LIBERTY BY THIS ACT]

Textual Amendments

- F1** Sch. 1A omitted (16.5.2019 for specified purposes) by virtue of [Mental Capacity \(Amendment\) Act 2019](#) (c. 18), s. 6(3), [Sch. 2 para. 2\(c\)](#)

[^{F1}PART 2

INTERPRETATION

Hospital treatment regime

- 8 (1) P is subject to the hospital treatment regime if he is subject to—
- (a) a hospital treatment obligation under the relevant enactment, or
 - (b) an obligation under another England and Wales enactment which has the same effect as a hospital treatment obligation.
- (2) But where P is subject to any such obligation, he is to be regarded as not subject to the hospital treatment regime during any period when he is subject to the community treatment regime.
- (3) A hospital treatment obligation is an application, order or direction of a kind listed in the first column of the following table.
- (4) In relation to a hospital treatment obligation, the relevant enactment is the enactment in the Mental Health Act which is referred to in the corresponding entry in the second column of the following table.

| <i>Hospital treatment obligation</i> | <i>Relevant enactment</i> |
|--|---------------------------|
| Application for admission for assessment | Section 2 |
| Application for admission for assessment | Section 4 |
| Application for admission for treatment | Section 3 |
| Order for remand to hospital | Section 35 |
| Order for remand to hospital | Section 36 |
| Hospital order | Section 37 |

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| | |
|---------------------------------|-------------|
| Interim hospital order | Section 38 |
| Order for detention in hospital | Section 44 |
| Hospital direction | Section 45A |
| Transfer direction | Section 47 |
| Transfer direction | Section 48 |
| Hospital order | Section 51] |

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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\(b\)](#)