

Status: Point in time view as at 01/04/2008.

Changes to legislation: Mental Capacity Act 2005, Part 2 is up to date with all changes known to be in force on or before 12 June 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)

SCHEDULES¹

[¹SCHEDULE A1 E+W

HOSPITAL AND CARE HOME RESIDENTS: DEPRIVATION OF LIBERTY

PART 2 E+W

INTERPRETATION: MAIN TERMS

Introduction

5 This Part applies for the purposes of this Schedule.

Detained resident

6 “Detained resident” means a person detained in a hospital or care home — for the purpose of being given care or treatment — in circumstances which amount to deprivation of the person's liberty.

Relevant person etc

7 In relation to a person who is, or is to be, a detained resident—
“relevant person” means the person in question;
“relevant hospital or care home” means the hospital or care home in question;
“relevant care or treatment” means the care or treatment in question.

Authorisations

8 “Standard authorisation” means an authorisation given under Part 4.

9 “Urgent authorisation” means an authorisation given under Part 5.

10 “Authorisation under this Schedule” means either of the following—

- (a) a standard authorisation;
- (b) an urgent authorisation.

11 (1) The purpose of a standard authorisation is the purpose which is stated in the authorisation in accordance with paragraph 55(1)(d).

(2) The purpose of an urgent authorisation is the purpose which is stated in the authorisation in accordance with paragraph 80(d).]

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