



# Mental Capacity Act 2005

## 2005 CHAPTER 9

### PART 1

#### PERSONS WHO LACK CAPACITY

##### *Excluded decisions*

#### **28 Mental Health Act matters**

- (1) Nothing in this Act authorises anyone—
  - (a) to give a patient medical treatment for mental disorder, or
  - (b) to consent to a patient's being given medical treatment for mental disorder, if, at the time when it is proposed to treat the patient, his treatment is regulated by Part 4 of the Mental Health Act.
- (2) "Medical treatment", "mental disorder" and "patient" have the same meaning as in that Act.