

Status: Point in time view as at 06/04/2009.

Changes to legislation: Mental Capacity Act 2005, Paragraph 105 is up to date with all changes known to be in force on or before 20 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)

SCHEDULES

[^{F1}SCHEDULE A1

HOSPITAL AND CARE HOME RESIDENTS: DEPRIVATION OF LIBERTY

Textual Amendments

- F1** Sch. A1 inserted (1.4.2008 for certain purposes and otherwise 1.4.2009) by [Mental Health Act 2007](#) (c. 12) , ss. 50 , 56 , [Sch. 7](#) ; [S.I. 2008/745](#) , [art. 4\(a\)](#) ; [S.I. 2009/139](#) , [art. 2\(c\)](#) (with [art. 3](#) , [Sch. paras. 3](#) , [4](#))

PART 8

STANDARD AUTHORISATIONS: REVIEW

Non-qualification ground

- 105 (1) Any of the following qualifying requirements is reviewable on the ground that the relevant person does not meet the requirement—
- (a) the age requirement;
 - (b) the mental health requirement;
 - (c) the mental capacity requirement;
 - (d) the best interests requirement;
 - (e) the no refusals requirement.
- (2) The eligibility requirement is reviewable on the ground that the relevant person is ineligible by virtue of paragraph 5 of Schedule 1A.
- (3) The ground in sub-paragraph (1) and the ground in sub-paragraph (2) are referred to as the non-qualification ground.]

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