

*Status: Point in time view as at 18/09/2012.*

*Changes to legislation: Mental Capacity Act 2005, Paragraph 67 is up to date with all changes known to be in force on or before 10 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

### [<sup>F1</sup>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 4

##### STANDARD AUTHORISATIONS

###### *Right of third party to require consideration of whether authorisation needed*

- 67 For the purposes of paragraphs 68 to 73 there is an unauthorised deprivation of liberty if—
- (a) a person is already a detained resident in a hospital or care home, and
  - (b) the detention of the person is not authorised as mentioned in section 4A.]

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