

**Changes to legislation:** Mental Capacity Act 2005, Cross Heading: Care homes and their managing authorities is up to date with all changes known to be in force on or before 21 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) View outstanding changes

## SCHEDULES

### SCHEDULE A1

#### [<sup>F1</sup>HOSPITAL AND CARE HOME RESIDENTS: DEPRIVATION OF LIBERTY]

##### Textual Amendments

- F1** Sch. A1 omitted (16.5.2019 for specified purposes) by virtue of [Mental Capacity \(Amendment\) Act 2019](#) (c. 18), s. 6(3), [Sch. 2 para. 2\(c\)](#)

#### [<sup>F1</sup>PART 13

##### INTERPRETATION

###### *Care homes and their managing authorities*

- [<sup>F2</sup>178. “Care home” means—
- (a) a care home in England within the meaning given by section 3 of the Care Standards Act 2000, and
  - (b) a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over.]

##### Textual Amendments

- F2** Sch. A1 para. 178 substituted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018](#) (S.I. 2018/195), [regs. 2\(1\)](#), 33(b)

- [<sup>F3</sup>179 “Managing authority”, in relation to a care home, means—
- (a) in relation to England, the person registered, or required to be registered, under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the provision of residential accommodation, together with nursing or personal care, in the care home, and
  - (b) in relation to Wales, the person registered, or required to be registered, [<sup>F4</sup>under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 in respect of the care home].]

##### Textual Amendments

- F3** Sch. A1 para. 179 substituted (1.10.2010) by [The Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010](#) (S.I. 2010/813), [art. 17\(7\)\(b\)\(iii\)](#)
- F4** Words in Sch. A1 para. 179(b) substituted (2.4.2018) by virtue of [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018](#) (S.I. 2018/195), [regs. 2\(1\)](#), 33(c)

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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\(b\)](#)