

*Status: Point in time view as at 01/08/2014.*

**Changes to legislation:** Mental Capacity Act 2005, Cross Heading: The mental capacity requirement is up to date with all changes known to be in force on or before 09 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 3

#### THE QUALIFYING REQUIREMENTS

##### *The mental capacity requirement*

- 15 The relevant person meets the mental capacity requirement if he lacks capacity in relation to the question whether or not he should be accommodated in the relevant hospital or care home for the purpose of being given the relevant care or treatment.]

**Status:**

Point in time view as at 01/08/2014.

**Changes to legislation:**

Mental Capacity Act 2005, Cross Heading: The mental capacity requirement is up to date with all changes known to be in force on or before 09 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.