

Changes to legislation: *Mental Capacity Act 2005, Paragraph 20 is up to date with all changes known to be in force on or before 15 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

[^{F1}SCHEDULE AA1

DEPRIVATION OF LIBERTY: AUTHORISATION OF ARRANGEMENTS ENABLING CARE AND TREATMENT

Textual Amendments

- F1** Sch. AA1 inserted (16.5.2019 for specified purposes) by [Mental Capacity \(Amendment\) Act 2019 \(c. 18\)](#), s. 6(3), [Sch. 1](#)

PART 2

AUTHORISATION OF ARRANGEMENTS

Authorisation

- 20 (1) A statement for the purposes of paragraph 19(a) is a statement in writing by the care home manager—
- (a) that the cared-for person is aged 18 or over,
 - (b) that the arrangements give rise to a deprivation of the cared-for person's liberty,
 - (c) that the arrangements are not excluded by Part 7,
 - (d) that the determinations required by paragraphs 21 and 22 have been made,
 - (e) that the care home manager has carried out consultation under paragraph 23, and
 - (f) that the care home manager—
 - (i) is satisfied that paragraph 24(2)(a) or (b) applies,
 - (ii) is satisfied that neither applies, or
 - (iii) is not satisfied that a decision can be made as to whether either applies.
- (2) The statement—
- (a) must include the reasons for what is stated under sub-paragraph (1)(b) and (f);
 - (b) must be accompanied by—
 - (i) a record of the assessments on which the determinations required by paragraphs 21 and 22 were made,
 - (ii) evidence of the consultation mentioned in sub-paragraph (1)(e), and
 - (iii) a draft authorisation record prepared in accordance with paragraph 27.]

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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\(b\)](#)