

Status: Point in time view as at 01/07/2022.

Changes to legislation: Mental Capacity Act 2005, Paragraph 6 is up to date with all changes known to be in force on or before 04 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 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 1

INTRODUCTORY AND INTERPRETATION

Responsible body

- 6 (1) The responsible body, in relation to a cared-for person, means—
- (a) if the arrangements are carried out mainly in an NHS hospital, the hospital manager;
 - (b) if the arrangements are carried out mainly in an independent hospital in England, the responsible local authority determined in accordance with paragraph 9;
 - (c) if the arrangements are carried out mainly in an independent hospital in Wales, the Local Health Board for the area in which the hospital is situated;
 - (d) if none of paragraphs (a) to (c) applies and the arrangements are carried out mainly through—
 - (i) the provision of NHS continuing healthcare under arrangements made by [^{F2}an integrated care board], or
 - (ii) in Wales, the provision of an equivalent to NHS continuing healthcare under arrangements made by a Local Health Board, that [^{F3}integrated care board] or Local Health Board;
 - (e) if none of paragraphs (a) to (d) applies, the responsible local authority determined in accordance with paragraph 10.
- (2) If an independent hospital is situated in the areas of two or more Local Health Boards, it is to be regarded for the purposes of sub-paragraph (1)(c) as situated in whichever of the areas the greater (or greatest) part of the hospital is situated.]

Textual Amendments

- F2** Words in Sch. AA1 para. 6(1)(d)(i) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 82\(3\)\(a\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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F3 Words in Sch. AA1 para. 6(1)(d) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), Sch. 4 para. 82(3)(b); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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