Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

General powers of the court and appointment of deputies

VALID FROM 01/04/2009

[^{F1}**16A   Section 16 powers: Mental Health Act patients etc**

(1) If a person is ineligible to be deprived of liberty by this Act, the court may not include in a welfare order provision which authorises the person to be deprived of his liberty.

(2) If—

(a) a welfare order includes provision which authorises a person to be deprived of his liberty, and

(b) that person becomes ineligible to be deprived of liberty by this Act,

the provision ceases to have effect for as long as the person remains ineligible.

(3) Nothing in subsection (2) affects the power of the court under section 16(7) to vary or discharge the welfare order.

(4) For the purposes of this section—

(a) Schedule 1A applies for determining whether or not P is ineligible to be deprived of liberty by this Act;

(b) "welfare order" means an order under section 16(2)(a).]

Textual Amendments

F1   S. 16A inserted (1.4.2009) by Mental Health Act 2007 (c. 12), **ss. 50(3)**, 56; S.I. 2009/139, **art. 2(b)** (with art. 3)

Status:
Point in time view as at 01/11/2006. This version of this provision is not valid for this point in time.

Changes to legislation:
Mental Capacity Act 2005, Section 16A is up to date with all changes known to be in force on or before 18 May 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.