



# Mental Capacity Act 2005

## 2005 CHAPTER 9

### PART 1

#### PERSONS WHO LACK CAPACITY

##### *Preliminary*

#### [<sup>F1</sup>4B Deprivation of liberty necessary for life-sustaining treatment etc

- (1) If the following conditions are met, D is authorised to deprive P of his liberty while a decision as respects any relevant issue is sought from the court.
- (2) The first condition is that there is a question about whether D is authorised to deprive P of his liberty under section 4A.
- (3) The second condition is that the deprivation of liberty—
  - (a) is wholly or partly for the purpose of—
    - (i) giving P life-sustaining treatment, or
    - (ii) doing any vital act, or
  - (b) consists wholly or partly of—
    - (i) giving P life-sustaining treatment, or
    - (ii) doing any vital act.
- (4) The third condition is that the deprivation of liberty is necessary in order to—
  - (a) give the life-sustaining treatment, or
  - (b) do the vital act.
- (5) A vital act is any act which the person doing it reasonably believes to be necessary to prevent a serious deterioration in P's condition.]

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*Status: Point in time view as at 01/04/2013. This version of this provision has been superseded.*

*Changes to legislation: Mental Capacity Act 2005, Section 4B is up to date with all changes known to be in force on or before 08 July 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)*

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#### **Textual Amendments**

- F1** Ss. 4A, 4B inserted (1.4.2009) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 50(2)**, 56; S.I. 2009/139, **art. 2(b)** (with art. 3)

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