

SCHEDULES

SCHEDULE 9

AMENDMENTS RELATING TO NEW SECTION 4A OF, & SCHEDULE A1 TO, MENTAL CAPACITY ACT 2005

PART 2

AMENDMENTS TO OTHER ACTS

National Assistance Act 1948 (c. 29)

- 12 (1) Section 47 of the National Assistance Act 1948 (removal to suitable premises of persons in need of care and attention) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) But this section does not apply to a person (“P”) in either of the following cases.
- (1B) The first case is where an order of the Court of Protection authorises the managing authority of a hospital or care home (within the meaning of Schedule A1 to the Mental Capacity Act 2005) to provide P with proper care and attention.
- (1C) The second case is where—
- (a) an authorisation under Schedule A1 to the Mental Capacity Act 2005 is in force, or
 - (b) the managing authority of a hospital or care home are under a duty under paragraph 24 of that Schedule to request a standard authorisation, and
- P is, or would be, the relevant person in relation to the authorisation.”
- (3) This paragraph does not extend to Scotland.

Changes to legislation:

There are currently no known outstanding effects for the Mental Health Act 2007, Paragraph 12.