



# Mental Capacity Act 2005

## 2005 CHAPTER 9

### PART 1

#### PERSONS WHO LACK CAPACITY

##### *General powers of the court and appointment of deputies*

#### **16A** [<sup>F1</sup>Section 16 powers: Mental Health Act patients etc]

- [<sup>F1</sup>(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).]

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#### **Textual Amendments**

- F1** S. 16A omitted (16.5.2019 for specified purposes) by virtue of [Mental Capacity \(Amendment\) Act 2019](#) (c. 18), s. 6(3), [Sch. 2 para. 2\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 16A.