



Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

Miscellaneous and supplementary

44 Ill-treatment or neglect

- (1) Subsection (2) applies if a person (“D”)—
- (a) has the care of a person (“P”) who lacks, or whom D reasonably believes to lack, capacity,
 - (b) is the donee of a lasting power of attorney, or an enduring power of attorney (within the meaning of Schedule 4), created by P, or
 - (c) is a deputy appointed by the court for P.
- (2) D is guilty of an offence if he ill-treats or wilfully neglects P.
- (3) A person guilty of an offence under this section is liable—
- (a) on summary conviction, to imprisonment for a term not exceeding [^{F1}the general limit in a magistrates’ court] or a fine not exceeding the statutory maximum or both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or a fine or both.

Textual Amendments

- F1** Words in s. 44(3)(a) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates’ Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#) table

Changes to legislation:

There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 44.