

Status: Point in time view as at 01/04/2009.

Changes to legislation: Mental Capacity Act 2005, Cross Heading: Determining ineligibility is up to date with all changes known to be in force on or before 22 October 2023. 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)

SCHEDULES

[^{F1}SCHEDULE 1A

PERSONS INELIGIBLE TO BE DEPRIVED OF LIBERTY BY THIS ACT

Textual Amendments

- F1** Sch. 1A inserted (1.4.2009) by Mental Health Act 2007 (c. 12), ss. 50, 56, Sch. 8 (with s. 50(8)-(13)); S.I. 2009/139, art. 2(d) (with art. 3)

PART 1

INELIGIBLE PERSONS

Determining ineligibility

- 2 A person (“P”) is ineligible to be deprived of liberty by this Act (“ineligible”) if—
- (a) P falls within one of the cases set out in the second column of the following table, and
 - (b) the corresponding entry in the third column of the table—or the provision, or one of the provisions, referred to in that entry—provides that he is ineligible.

	<i>Status of P</i>	<i>Determination of ineligibility</i>
<i>Case A</i>	P is— <ul style="list-style-type: none">(a) subject to the hospital treatment regime, and(b) detained in a hospital under that regime.	P is ineligible.
<i>Case B</i>	P is— <ul style="list-style-type: none">(a) subject to the hospital treatment regime, but(b) not detained in a hospital under that regime.	See paragraphs 3 and 4.

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<i>Case C</i>	P is subject to the community treatment regime.	See paragraphs 3 and 4.
<i>Case D</i>	P is subject to the guardianship regime.	See paragraphs 3 and 5.
<i>Case E</i>	P is— (a) within the scope of the Mental Health Act, but (b) not subject to any of the mental health regimes.	See paragraph 5.]

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