

*Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Paragraph 176. (See end of Document for details)*

## SCHEDULES

### SCHEDULE A1

#### [<sup>F1</sup>HOSPITAL AND CARE HOME RESIDENTS: DEPRIVATION OF LIBERTY]

##### Textual Amendments

- F1** Sch. A1 omitted (16.5.2019 for specified purposes) by virtue of [Mental Capacity \(Amendment\) Act 2019](#) (c. 18), s. 6(3), [Sch. 2 para. 2\(c\)](#)

#### [<sup>F1</sup>PART 13

##### INTERPRETATION

###### *Hospitals and their managing authorities*

- 176 (1) “Managing authority”, in relation to an NHS hospital, means—
- (a) if the hospital—
    - (i) is vested in the appropriate national authority for the purposes of its functions under the National Health Service Act 2006 or of the National Health Service (Wales) Act 2006, or
    - (ii) consists of any accommodation provided by a local authority and used as a hospital by or on behalf of the appropriate national authority under either of those Acts,
  - the<sup>F2</sup>... <sup>F3</sup>... Local Health Board or Special Health Authority responsible for the administration of the hospital;
  - [<sup>F4</sup>(aa) in relation to England, if the hospital falls within paragraph (a)(i) or (ii) and no Special Health Authority has responsibility for its administration, the Secretary of State;]
  - (b) if the hospital is vested in a <sup>F5</sup> ... National Health Service trust or NHS foundation trust, that trust;
  - (c) if the hospital is vested in a Local Health Board, that Board.
- (2) For this purpose the appropriate national authority is—
- (a) in relation to England: the Secretary of State;
  - (b) in relation to Wales: the National Assembly for Wales;
  - (c) in relation to England and Wales: the Secretary of State and the National Assembly acting jointly.]

##### Textual Amendments

- F2** Words in Sch. A1 para. 176(1)(a) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012](#) (c. 7), s. 306(4), [Sch. 5 para. 136\(2\)\(a\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)

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| <b>F3</b> | Words in Sch. A1 para. 176(1)(a) omitted (1.4.2013) by virtue of <a href="#">Health and Social Care Act 2012 (c. 7)</a> , s. 306(4), <b>Sch. 5 para. 136(2)(b)</b> ; S.I. 2013/160, art. 2(2) (with arts. 7-9) |
| <b>F4</b> | Sch. A1 para. 176(1)(aa) inserted (1.4.2013) by <a href="#">Health and Social Care Act 2012 (c. 7)</a> , s. 306(4), <b>Sch. 5 para. 136(2)(c)</b> ; S.I. 2013/160, art. 2(2) (with arts. 7-9)                  |
| <b>F5</b> | Words in Sch. A1 para. 176(1)(b) omitted (1.4.2013) by virtue of <a href="#">Health and Social Care Act 2012 (c. 7)</a> , s. 306(4), <b>Sch. 5 para. 136(2)(d)</b> ; S.I. 2013/160, art. 2(2) (with arts. 7-9) |

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