

Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Paragraph 180. (See end of Document for details)

SCHEDULES

SCHEDULE A1

[^{F1}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\(c\)](#)

[^{F1}PART 13

INTERPRETATION

Supervisory bodies: hospitals

- 180 (1) The identity of the supervisory body is determined under this paragraph in cases where the relevant hospital is situated in England.
- [^{F2}(2) If the relevant person is ordinarily resident in the area of a local authority in England, the supervisory body are that local authority.]
- (3) If [^{F3}the relevant person is not ordinarily resident in England and] the National Assembly for Wales or a Local Health Board commission the relevant care or treatment, the National Assembly are the supervisory body.
- (4) In any other case, the supervisory body are [^{F4}the local authority] for the area in which the relevant hospital is situated.
- [^{F5}(4A) Local authority” means—
- (a) the council of a county;
 - (b) the council of a district for which there is no county council;
 - (c) the council of a London borough;
 - (d) the Common Council of the City of London;
 - (e) the Council of the Isles of Scilly.]
- (5) If a hospital is situated in the areas of two (or more) [^{F6}local authorities], it is to be regarded for the purposes of sub-paragraph (4) as situated in whichever of the areas the greater (or greatest) part of the hospital is situated.]

Textual Amendments

- F2** Sch. A1 para. 180(2) substituted (1.4.2013) by [Health and Social Care Act 2012](#) (c. 7), s. 306(4), [Sch. 5 para. 136\(3\)\(a\)](#); [S.I. 2013/160](#), art. 2(2) (with arts. 7-9)

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- F3** Words in Sch. A1 para. 180(3) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 136(3)(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F4** Words in Sch. A1 para. 180(4) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 136(3)(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F5** Sch. A1 para. 180(4A) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 136(3)(d)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** Words in Sch. A1 para. 180(5) substituted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 136(3)(e)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

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