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**Changes to legislation:** There are currently no known outstanding effects for the Mental Capacity Act 2005, Cross Heading: The mental capacity requirement. (See end of Document for details)

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## SCHEDULES

### SCHEDULE A1

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

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#### 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 3

#### THE QUALIFYING REQUIREMENTS

##### *The mental capacity requirement*

- 15      The relevant person meets the mental capacity requirement if he lacks capacity in relation to the question whether or not he should be accommodated in the relevant hospital or care home for the purpose of being given the relevant care or treatment.]

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Capacity Act 2005, Cross  
Heading: The mental capacity requirement.