

Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Cross Heading: The no refusals requirement. (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 3

THE QUALIFYING REQUIREMENTS

The no refusals requirement

- 18 The relevant person meets the no refusals requirement unless there is a refusal within the meaning of paragraph 19 or 20.
- 19 (1) There is a refusal if these conditions are met—
- (a) the relevant person has made an advance decision;
 - (b) the advance decision is valid;
 - (c) the advance decision is applicable to some or all of the relevant treatment.
- (2) Expressions used in this paragraph and any of sections 24, 25 or 26 have the same meaning in this paragraph as in that section.
- 20 (1) There is a refusal if it would be in conflict with a valid decision of a donee or deputy for the relevant person to be accommodated in the relevant hospital or care home for the purpose of receiving some or all of the relevant care or treatment—
- (a) in circumstances which amount to deprivation of the person's liberty, or
 - (b) at all.
- (2) A donee is a donee of a lasting power of attorney granted by the relevant person.
- (3) A decision of a donee or deputy is valid if it is made—
- (a) within the scope of his authority as donee or deputy, and
 - (b) in accordance with Part 1 of this Act.]

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