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*Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Paragraph 22. (See end of Document for details)*

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## SCHEDULES

### [<sup>F1</sup>SCHEDULE AA1

#### DEPRIVATION OF LIBERTY: AUTHORISATION OF ARRANGEMENTS ENABLING CARE AND TREATMENT

##### Textual Amendments

- F1** Sch. AA1 inserted (16.5.2019 for specified purposes) by [Mental Capacity \(Amendment\) Act 2019 \(c. 18\)](#), s. 6(3), [Sch. 1](#)

### PART 2

#### AUTHORISATION OF ARRANGEMENTS

##### *Determination that arrangements are necessary and proportionate*

- 22 (1) The determination required by this paragraph is a determination by a person, who meets requirements prescribed by regulations made by the appropriate authority, made on an assessment by that person that the arrangements are necessary to prevent harm to the cared-for person and proportionate in relation to the likelihood and seriousness of harm to the cared-for person.
- (2) When making a determination under this paragraph regard must be had (amongst other matters) to the cared-for person's wishes and feelings in relation to the arrangements.
- (3) If the arrangements are care home arrangements and authorisation is being determined under paragraph 19, a determination may not be made by a person who has a connection, of a kind prescribed by regulations, with a care home.
- (4) Regulations made by the appropriate authority under sub-paragraph (3) may make provision about a connection of any kind (financial or otherwise).
- (5) The "appropriate authority" means—
- where the determination is in relation to an authorisation by an English responsible body, the Secretary of State, and
  - where the determination is in relation to an authorisation by a Welsh responsible body, the Welsh Ministers.]

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Capacity Act 2005, Paragraph 22.