



Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

General powers of the court and appointment of deputies

[^{F1}16A Section 16 powers: Mental Health Act patients etc

- (1) If a person is ineligible to be deprived of liberty by this Act, the court may not include in a welfare order provision which authorises the person to be deprived of his liberty.
- (2) If—
 - (a) a welfare order includes provision which authorises a person to be deprived of his liberty, and
 - (b) that person becomes ineligible to be deprived of liberty by this Act, the provision ceases to have effect for as long as the person remains ineligible.
- (3) Nothing in subsection (2) affects the power of the court under section 16(7) to vary or discharge the welfare order.
- (4) For the purposes of this section—
 - (a) Schedule 1A applies for determining whether or not P is ineligible to be deprived of liberty by this Act;
 - (b) “welfare order” means an order under section 16(2)(a).]

Textual Amendments

- F1** S. 16A inserted (1.4.2009) by [Mental Health Act 2007 \(c. 12\)](#), ss. [50\(3\)](#), 56; S.I. 2009/139, [art. 2\(b\)](#) (with [art. 3](#))

Status:

Point in time view as at 01/04/2009. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 16A.