



# Mental Capacity Act 2005

## 2005 CHAPTER 9

### PART 1

#### PERSONS WHO LACK CAPACITY

##### *Preliminary*

#### **4A Restriction on deprivation of liberty**

- (1) This Act does not authorise any person (“D”) to deprive any other person (“P”) of his liberty.
- (2) But that is subject to—
  - (a) the following provisions of this section, and
  - (b) section 4B.
- (3) D may deprive P of his liberty if, by doing so, D is giving effect to a relevant decision of the court.
- (4) A relevant decision of the court is a decision made by an order under section 16(2)(a) in relation to a matter concerning P's personal welfare.
- (5) [<sup>F1</sup>D may deprive P of liberty if, by doing so, D is carrying out arrangements authorised under Schedule AA1 (arrangements enabling the care and treatment of persons who lack capacity).]

#### **Textual Amendments**

- F1** S. 4A(5) substituted (16.5.2019 for specified purposes) by [Mental Capacity \(Amendment\) Act 2019](#) (c. 18), ss. 1(2), 6(3)

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 4A.