



Mental Capacity (Amendment) Act 2019

2019 CHAPTER 18

Safeguards

PROSPECTIVE

1 Deprivation of liberty: authorisation of arrangements enabling care and treatment

- (1) The Mental Capacity Act 2005 is amended as follows.
- (2) In section 4A (restriction on deprivation of liberty) for subsection (5) substitute—

“(5) 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).”
- (3) After section 4B insert—

“4C Carrying out of authorised arrangements giving rise to deprivation of liberty

- (1) This section applies to an act that a person (“D”) does in carrying out arrangements authorised under Schedule AA1.
- (2) D does not incur any liability in relation to the act that would not have been incurred if the cared-for person—
 - (a) had had capacity to consent in relation to D doing the act, and
 - (b) had consented to D doing the act.
- (3) Nothing in this section excludes a person's civil liability for loss or damage, or a person's criminal liability, resulting from that person's negligence in doing the act.
- (4) Paragraph 31 of Schedule AA1 applies if an authorisation ceases to have effect in certain cases.

Status: This version of this provision is prospective.

*Changes to legislation: There are currently no known outstanding effects for the
Mental Capacity (Amendment) Act 2019, Section 1. (See end of Document for details)*

(5) “Cared-for person” has the meaning given by paragraph 2(1) of that Schedule.”

(4) Before Schedule 1 insert the Schedule AA1 set out in Schedule 1 to this Act.

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Mental Capacity (Amendment) Act 2019, Section 1.