



Mental Capacity (Amendment) Act 2019

2019 CHAPTER 18

Safeguards

3 Powers of the court to determine questions

After section 21 of the Mental Capacity Act 2005 insert—

“Powers of the court in relation to Schedule AA1

21ZA Powers of court in relation to Schedule AA1

- (1) This section applies where an authorisation under Schedule AA1—
 - (a) has effect, or
 - (b) is to have effect from a date specified under paragraph 28 of that Schedule.
- (2) The court may determine any question relating to—
 - (a) whether Schedule AA1 applies to the arrangements, or whether the authorisation conditions are met;
 - (b) what period the authorisation has effect for;
 - (c) what the authorisation relates to.
- (3) If the court determines a question under subsection (2), the court may make an order—
 - (a) varying or terminating the authorisation;
 - (b) directing the responsible body to vary the authorisation.
- (4) Where the court makes an order under subsection (3) the court may make an order about a person’s liability for anything done in carrying out the arrangements before the variation or termination.
- (5) An order under subsection (4) may, in particular, exclude a person from liability.

Status: Prospective version(s) available.

Status: This is the original version (as it was originally enacted).

(6) “Authorisation conditions” has the meaning given by paragraph 13 of Schedule AA1.”