



Mental Capacity (Amendment) Act 2019

2019 CHAPTER 18

Code of practice etc

4 Deprivation of liberty: code of practice

(1) Section 42 of the Mental Capacity Act 2005 (codes of practice) is amended as follows.

(2) After subsection (1) insert—

“(1A) Guidance about what kinds of arrangements for enabling the care or treatment of a person fall within paragraph 2(1)(b) of Schedule AA1 must be included in the code, or one of the codes, issued under subsection (1).”

(3) After subsection (2) insert—

“(2A) Before the end of each review period the Lord Chancellor must—

- (a) review each code for the guidance of persons exercising functions under Schedule AA1, and
- (b) lay a report of the review before Parliament.

But this does not affect the Lord Chancellor’s functions under subsection (2).

(2B) A review period is—

- (a) in relation to the first review, the period of 3 years beginning with the day on which this subsection comes into force, and
- (b) in relation to subsequent reviews, each period of 5 years beginning with the day on which the report of the previous review was laid before Parliament.”

(4) In subsection (3) after “preparation” insert “, review”.