

SCHEDULES

SCHEDULE 9

AMENDMENTS RELATING TO NEW SECTION 4A OF, & SCHEDULE A1 TO, MENTAL CAPACITY ACT 2005

PART 1

OTHER AMENDMENTS TO MENTAL CAPACITY ACT 2005

Section 64: Interpretation

- 10 (1) Section 64 is amended as follows.
- (2) [^{F1}In subsection (1), insert at the appropriate place—
- ““authorisation under Schedule A1” means either—
- (a) a standard authorisation under that Schedule, or
- (b) an urgent authorisation under that Schedule.”]
- (3) [^{F1}In subsection (1), in the definition of “local authority” after ““local authority”” insert “, except in Schedule A1, ”.]
- (4) After subsection (4) insert—
- “(5) In this Act, references to deprivation of a person's liberty have the same meaning as in Article 5(1) of the Human Rights Convention.
- (6) For the purposes of such references, it does not matter whether a person is deprived of his liberty by a public authority or not.”

Textual Amendments

- F1** Sch. 9 para. 10(2)(3) omitted (16.5.2019 for specified purposes) by virtue of [Mental Capacity \(Amendment\) Act 2019 \(c. 18\)](#), s. 6(3), [Sch. 2 para. 13](#)

Changes to legislation:

There are currently no known outstanding effects for the Mental Health Act 2007, Paragraph 10.