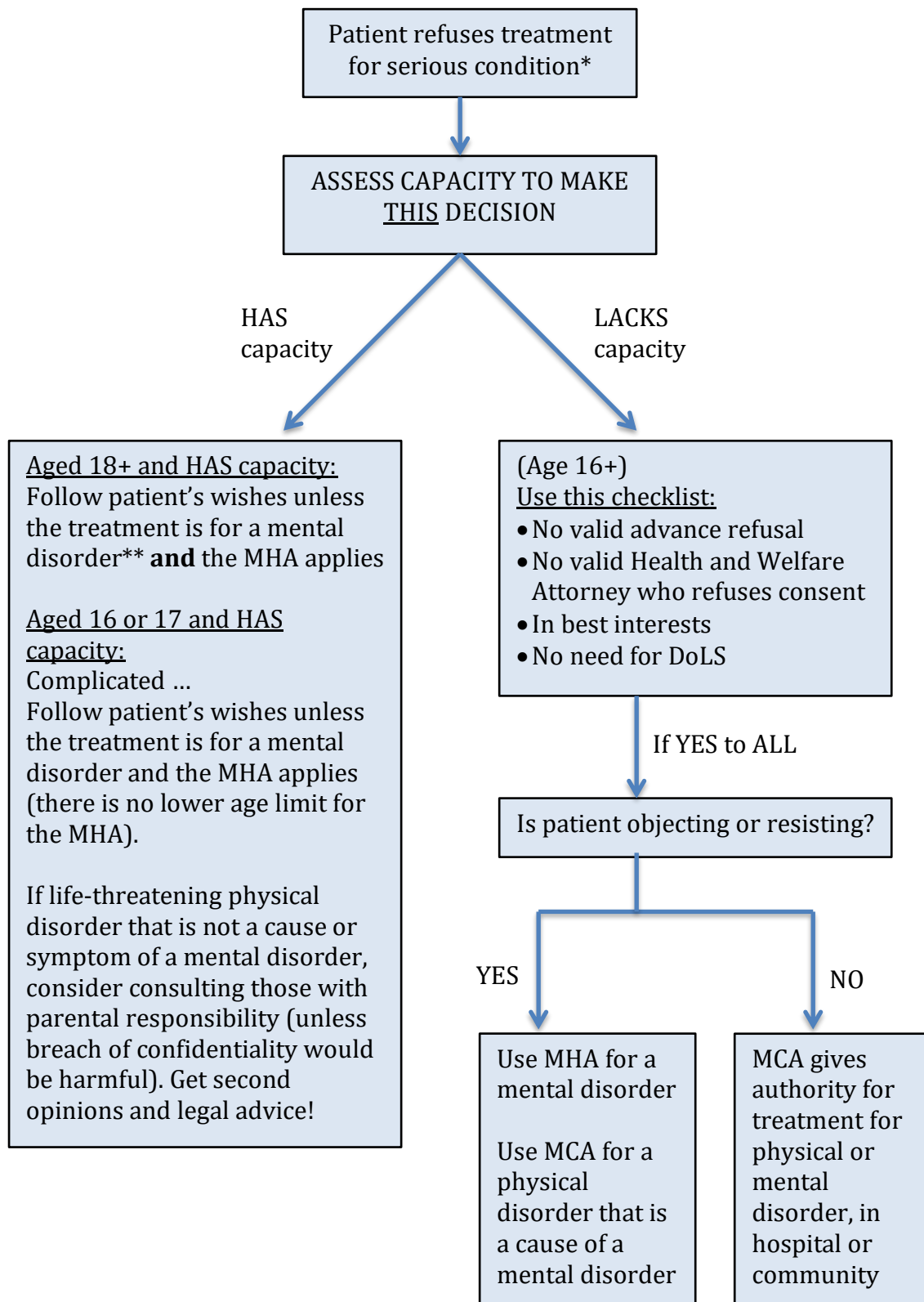


Mental Capacity Act or Mental Health Act?

It is not always easy to decide which Act to use. However, the criteria for detaining a patient under the Mental Health Act include that it is necessary to use the MHA for the patient's health or safety or for the protection of others – i.e. if the treatment can be given with the authority of the Mental Capacity Act then the MHA is not necessary and should not be used.



*Use of statute should be necessary.

**Disorder or disability of mind.