

Status: Point in time view as at 01/04/2008.

Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Cross Heading: Request for extension of duration. (See end of Document for details)

SCHEDULES¹

[^{F1}SCHEDULE A1

HOSPITAL AND CARE HOME RESIDENTS: DEPRIVATION OF LIBERTY

PART 5

URGENT AUTHORISATIONS

Request for extension of duration

- 84 (1) This paragraph applies if the managing authority make a request under paragraph 77 for the supervisory body to extend the duration of the original authorisation.
- (2) The managing authority must keep a written record of why they have made the request.
- (3) The managing authority must give the relevant person notice that they have made the request.
- (4) The supervisory body may extend the duration of the original authorisation if it appears to them that—
- (a) the managing authority have made the required request for a standard authorisation,
 - (b) there are exceptional reasons why it has not yet been possible for that request to be disposed of, and
 - (c) it is essential for the existing detention to continue until the request is disposed of.
- (5) The supervisory body must keep a written record that the request has been made to them.
- (6) In this paragraph and paragraphs 85 and 86—
- (a) “original authorisation” and “existing detention” have the same meaning as in paragraph 77;
 - (b) the required request for a standard authorisation is the request that is referred to in paragraph 76(2) or (3).
- 85 (1) This paragraph applies if, under paragraph 84, the supervisory body decide to extend the duration of the original authorisation.
- (2) The supervisory body must decide the period of the extension.
- (3) That period must not exceed 7 days.
- (4) The supervisory body must give the managing authority notice stating the period of the extension.

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- (5) The managing authority must then vary the original authorisation so that it states the extended duration.
 - (6) Paragraphs 82(3) and 83 apply (with the necessary modifications) to the variation of the original authorisation as they apply to the giving of an urgent authorisation.
 - (7) The supervisory body must keep a written record of—
 - (a) the outcome of the request, and
 - (b) the period of the extension.
- 86
- (1) This paragraph applies if, under paragraph 84, the supervisory body decide not to extend the duration of the original authorisation.
 - (2) The supervisory body must give the managing authority notice stating—
 - (a) the decision, and
 - (b) their reasons for making it.
 - (3) The managing authority must give a copy of that notice to all of the following—
 - (a) the relevant person;
 - (b) any section 39A IMCA.
 - (4) The supervisory body must keep a written record of the outcome of the request.]

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