

SCHEDULE

TRANSITIONAL PROVISIONS

Interpretation

1. In this Schedule—

“managing authority” shall be construed in accordance with paragraphs 176, 177 and 179 of Schedule A1 to the 2005 Act;

“the Regulations” mean the Mental Capacity (Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence) Regulations 2008(1);

“standard authorisation” has the same meaning as in paragraph 8 of Schedule A1 to the 2005 Act; and

“urgent authorisation” has the same meaning as in paragraph 9 of Schedule A1 to the 2005 Act.

Standard authorisations

2. Where a request for a standard authorisation is made by the managing authority on or before the 30th April 2009, paragraph (1) of regulation 13 (time frame for assessments) of the Regulations shall apply to the request as if that paragraph read—

“(1) Except as provided in paragraph (2), all assessments required for a standard authorisation must be completed within the period of 42 days beginning with the date on which the supervisory body(2) receives a request for such an authorisation.”

Urgent authorisations

3. Where a managing authority decides to give an urgent authorisation under paragraph 76 of Schedule A1 to the 2005 Act on or before the 30th April 2009, sub-paragraph (2) of paragraph 78 (terms of authorisation) of Schedule A1 to the 2005 Act shall apply as if that sub-paragraph read—

“(2) That period must not exceed 21 days.”

Extensions of authorisations

4. Paragraphs 77(3) to (5) (duty to give authorisation) and paragraphs 84, 85 and 86 (request for extension of duration) of Schedule A1 to the 2005 Act shall not apply in relation to urgent authorisations given on or before the 30th April 2009.

(1) [S.I. 2008/1858](#).

(2) The supervisory body is determined in accordance with paragraphs 128, 180, 181 and 182 of Schedule A1 to the 2005 Act.