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WELSH STATUTORY INSTRUMENTS

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**2009 No. 266**

**The Mental Capacity (Deprivation of Liberty: Appointment of Relevant Person's Representative) (Wales) Regulations 2009**

**PART 6**

**Termination of representative's appointment**

14. A person ceases to be a representative if—
- (a) they die;
  - (b) they inform the supervisory body that they no longer are willing to continue in the role;
  - (c) the period of their appointment ends;
  - (d) a representative has been appointed after having been selected in accordance with regulation 7(2) and the relevant person informs the supervisory body that he or she objects to that person continuing to be his or her representative;
  - (e) a representative has been appointed after having been selected in accordance with regulation 8(2) and the donee or deputy objects to the person continuing to be the relevant person's representative;
  - (f) the supervisory body terminates the appointment because it is satisfied that the representative is not maintaining sufficient contact with the relevant person in order to support and represent him or her;
  - (g) the supervisory body terminates the appointment because it is satisfied that the person is no longer eligible for the purposes of regulation 6(1) to be a representative; or
  - (h) the supervisory body terminates the appointment because it is satisfied that the person is not acting in the best interests of the relevant person.

**Monitoring of representatives**

15. The managing authority must advise the supervisory body where it becomes aware the representative is not acting in the best interest of, or has not maintained regular contact with, the relevant person.

**Formalities of termination of representative's appointment**

16.—(1) Where the appointment of a representative is to be terminated in accordance with paragraphs (b) to (h) of regulation 14 the supervisory body must notify that person that the appointment is to be terminated and must give reasons why the appointment is to be terminated.

(2) Where the appointment of a representative is to be terminated in accordance with regulation 14 the supervisory body must notify—

- (a) the relevant person;
- (b) the managing authority;

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (c) any donee or deputy of the relevant person;
- (d) any independent mental capacity advocate appointed in accordance with the Act; and
- (e) any person consulted by the best interest assessor.