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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 4**

Selection

**Selection by the supervisory body**

**11.**—(1) This regulation applies where a person has not been selected in accordance with regulations 7(2), 8(2) or 10(2).

(2) The supervisory body must select a person to be appointed as a representative for the relevant person.

(3) Where a person who is selected in accordance with paragraph (2) will be acting in a professional capacity

(a) that person must have appropriate training and experience, and

(b) the supervisory body must be satisfied that there is in respect of that person—

(i) an enhanced criminal record certificate issued pursuant to section 113B of the Police Act 1997<sup>(1)</sup>; or

(ii) if the purpose for which the certificate is required is not one prescribed under subsection (2) of that section, a criminal record certificate issued pursuant to section 113A of that Act.

(4) For the purposes of paragraph (3) a person acting in a professional capacity is a person selected by the best interests assessor or supervisory body who is not a family member, friend or carer of the relevant person.

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<sup>(1)</sup> 1997 c. 50. Sections 113A to 113D are inserted by section 163 of the Serious Organised Crime and Police Act 2005 (c. 14).