



2016 CHAPTER 18

PART 2

LACK OF CAPACITY: PROTECTION
FROM LIABILITY, AND SAFEGUARDS

CHAPTER 4

ADDITIONAL SAFEGUARD: AUTHORISATIONS ETC

Community residence requirements

Community residence requirements: further provision

34.—(1) For the avoidance of doubt, the imposition by an HSC trust of a community residence requirement is not to be regarded for the purposes of this Act—

- (a) as an act which in itself amounts to a deprivation of liberty; or
- (b) as an act within section 12(4) (acts of restraint).

(2) Subsection (3) applies if—

- (a) a person is detained in a place in circumstances which—
 - (i) amount to a deprivation of liberty; and
 - (ii) include a requirement for the person to live in the place; and
- (b) the detention of the person in the place in circumstances amounting to a deprivation of liberty is authorised under Schedule 1.

(3) Where this subsection applies, the requirement for the person to live in the place is not to be regarded for the purposes of section 30 or any other provision of this Act as a community residence requirement.