
STATUTORY RULES OF NORTHERN IRELAND

2019 No. 164

**The Mental Capacity (Deprivation of
Liberty) Regulations (Northern Ireland) 2019**

PART 3

Information, Authorisation and Extensions

CHAPTER 4

Extension by report

Extension authorisation

- 23.** An extension authorisation must be made on Form 14.
- 24.** When making an extension authorisation—
- (a) the statement of incapacity must be included and made on Form 1;
 - (b) a statement of best interests must be included and made on Form 2;
 - (c) the consultation with the nominated person must be made on Form 3;
 - (d) the statement in section 39(3) of the Act must be made on Form 7; and
 - (e) the responsible person statement must be made on Form 15.

Meaning of responsible person

25. If an approved social worker who is in charge of P's case is involved in the care or treatment of P and the deprivation of liberty for which the extension report is sought is relevant to that care or treatment the approved social worker can be the responsible person, subject to the conditions in regulation 27.

- 26.** A person can be designated as the responsible officer by—
- (a) the managing authority of a hospital or care home where P is an in-patient or resident; or
 - (b) the relevant trust

subject to the conditions in regulation 27.

- 27.** To be a responsible person the person must—
- (a) be suitably qualified; and
 - (b) be unconnected with P.

Information when making an extension report

28.—(1) When an extension report is received by the relevant trust, it must as soon as practicable notify P and the persons in paragraph (2) on Form 20 and provide information on—

- (a) the extension provisions;
 - (b) the Review Tribunal; and
 - (c) a person's rights under the Act.
- (2) The persons who must be notified (in addition to P) are—
- (a) the nominated person; and
 - (b) any person P has asked the information to be given to.
- (3) As soon as reasonably practicable after making the extension report, the person making the report must inform the managing authority where the detention in circumstances amounting to deprivation of liberty will continue and furnish such information as required for the detention to continue.

29. If the extension report includes a statement under section 39(3) of the Act (a statement that in the opinion of the appropriate medical practitioner P lacks (or probably lacks) the capacity whether an application to the Tribunal should be made in respect of the authorisation), the Attorney General must be notified and the report, including all annexes and information referred to, must be sent to the Attorney General.