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DRAFT STATUTORY INSTRUMENTS

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**2008 No. 000**

**MENTAL CAPACITY, ENGLAND**

**The Mental Capacity (Deprivation of Liberty:  
Standard Authorisations, Assessments and  
Ordinary Residence) Regulations 2008**

*Made* - - - - 2008

*Coming into force* 3rd November 2008

**THE MENTAL CAPACITY (DEPRIVATION OF LIBERTY:  
STANDARD AUTHORISATIONS, ASSESSMENTS  
AND ORDINARY RESIDENCE) REGULATIONS 2008**

PART 1

Preliminary

1. Citation, commencement and application
2. Interpretation

PART 2

Eligibility to carry out assessments

3. Eligibility – general
4. Eligibility to carry out a mental health assessment
5. Eligibility to carry out a best interests assessment
6. Eligibility to carry out a mental capacity assessment
7. Eligibility to carry out an eligibility assessment
8. Eligibility to carry out an age assessment
9. Eligibility to carry out a no refusals assessment

PART 3

Selection of Assessors

10. Selection of assessors – relatives
11. Selection of assessors – financial interest
12. Selection of best interests assessors

## PART 4

### Assessments

13. Time frame for assessments
14. Time limit for carrying out an assessment to decide whether or not there is an unauthorised deprivation of liberty
15. Relevant eligibility information

## PART 5

### Requests for a standard authorisation

16. Information to be provided in a request for a standard authorisation

## PART 6

### Supervisory bodies: care homes

### Disputes about the Place of Ordinary Residence

17. Application and Interpretation of Part 6
  18. Arrangements where there is a question as to the ordinary residence
  19. Effect of change in supervisory body following determination of any question about ordinary residence
- Signature
- Explanatory Note