
DRAFT STATUTORY INSTRUMENTS

2008 No.

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

PART 3

Selection of Assessors

Selection of assessors – relatives

- 10.**—(1) A supervisory body must not select a person to carry out an assessment if the person is—
- (a) a relative of the relevant person⁽¹⁾; or
 - (b) a relative of a person who is financially interested in the care of the relevant person.
- (2) For the purposes of this regulation a “relative” means—
- (a) a spouse, ex-spouse, civil partner or ex-civil partner;
 - (b) a person living with the relevant person as if they were a spouse or a civil partner;
 - (c) a parent or child;
 - (d) a brother or sister;
 - (e) a child of a person falling within sub-paragraphs (a), (b) or (d);
 - (f) a grandparent or grandchild;
 - (g) a grandparent-in-law or grandchild-in-law;
 - (h) an uncle or aunt;
 - (i) a brother-in-law or sister-in-law;
 - (j) a son-in-law or daughter-in-law;
 - (k) a first cousin; or
 - (l) a half-brother or half-sister.
- (3) For the purposes of this regulation—
- (a) the relationships in paragraph (2)(c) to (k) include step relationships;
 - (b) references to step relationships and in-laws in paragraph (2) are to be read in accordance with section 246 of the Civil Partnership Act 2004⁽²⁾; and
 - (c) financial interest has the meaning given in regulation 11.

(1) “relevant person” is defined in paragraph 7 of Schedule A1 to the Act.

(2) 2004 (c.33).