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DRAFT STATUTORY INSTRUMENTS

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**2008 No.**

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

PART 3

Selection of Assessors

**Selection of assessors – financial interest**

**11.**—(1) A supervisory body must not select a person to carry out an assessment where the person has a financial interest in the case.

(2) A person has a financial interest in a case where—

- (a) that person is a partner, director, other office-holder or major shareholder of the managing authority that has made the application for a standard authorisation<sup>(1)</sup>; and
- (b) the managing authority is a care home<sup>(2)</sup> or independent hospital<sup>(3)</sup>.

(3) A major shareholder means—

- (a) any person holding one tenth or more of the issued shares in the managing authority, where the managing authority is a company limited by shares; and
- (b) in all other cases, any of the owners of the managing authority.

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<sup>(1)</sup> A standard authorisation is defined in paragraph 8 of Schedule A1 to the Act.

<sup>(2)</sup> “care home” is defined in paragraph 178 of Schedule A1 to the Act.

<sup>(3)</sup> “independent hospital” is defined in paragraph 175(3) of Schedule A1 to the Act.