
DRAFT STATUTORY INSTRUMENTS

2008 No.

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

PART 6

Supervisory bodies: care homes

Disputes about the Place of Ordinary Residence

Application and Interpretation of Part 6

17.—(1) This Part applies where—

- (a) a local authority (“local authority A”)(¹) receives a request from—
 - (i) a care home for a standard authorisation under paragraph 24, 25 or 30 of Schedule A1 to the Act, or
 - (ii) an eligible person to decide whether or not there is an unauthorised deprivation of liberty in a care home under paragraph 68 of Schedule A1 to the Act;
- (b) local authority A wishes to dispute that it is the supervisory body; and
- (c) a question as to the ordinary residence of the relevant person is to be determined by the Secretary of State under paragraph 183 of Schedule A1 to the Act.

(2) In this Part—

- (a) “local authority A” has the meaning given in paragraph (1); and
- (b) “local authority C” has the meaning given in regulation 18(2).

(¹) “local authority” is defined in paragraph 182(4) (in relation to England) of Schedule A1 to the Act.