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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 2**

Eligibility to carry out assessments

**Eligibility to carry out a mental health assessment**

4.—(1) A person is eligible to carry out a mental health assessment<sup>(1)</sup> if paragraphs (2) and (3) are met.

(2) The person must be—

(a) approved under section 12 of the Mental Health Act 1983<sup>(2)</sup>; or

(b) a registered medical practitioner who the supervisory body is satisfied has at least three years post registration experience in the diagnosis or treatment of mental disorder.

(3) The supervisory body must be satisfied that the person has successfully completed the Deprivation of Liberty Safeguards Mental Health Assessors training programme made available by the Royal College of Psychiatrists<sup>(3)</sup>.

(4) Except in the 12 month period beginning with the date the person has successfully completed the programme referred to in paragraph (3), the supervisory body must be satisfied that the person has, in the 12 months prior to selection, completed further training relevant to their role as a mental health assessor.

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(1) A mental health assessment is an assessment carried out under paragraph 35 of Schedule A1 to the Act.

(2) 1983 (c.20). Section 12 was amended by section 16 of the Mental Health Act 2007.

(3) The Royal College of Psychiatrists is at 17 Belgrave Square, London SW1X 8PG.