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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 an eligibility assessment**

7. A person is eligible to carry out an eligibility assessment<sup>(1)</sup> if that person is—
- (a) approved under section 12 of the Mental Health Act 1983 and is eligible to carry out a mental health assessment; or
  - (b) an approved mental health professional and is eligible to carry out a best interests assessment.

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<sup>(1)</sup> An eligibility assessment is an assessment carried out under paragraph 46 of Schedule A1 to the Act.