

Status: Point in time view as at 06/04/2009.

Changes to legislation: Mental Capacity Act 2005, Part 7 is up to date with all changes known to be in force on or before 25 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE A1

HOSPITAL AND CARE HOME RESIDENTS: DEPRIVATION OF LIBERTY

Textual Amendments

- F1** Sch. A1 inserted (1.4.2008 for certain purposes and otherwise 1.4.2009) by [Mental Health Act 2007 \(c. 12\)](#), ss. 50, 56, [Sch. 7](#); [S.I. 2008/745](#), [art. 4\(a\)](#); [S.I. 2009/139](#), [art. 2\(c\)](#) (with [art. 3](#), [Sch. paras. 3, 4](#))

PART 7

STANDARD AUTHORISATIONS: CHANGE IN SUPERVISORY RESPONSIBILITY

Application of this Part

- 98 (1) This Part applies if these conditions are met.
- (2) The first condition is that a standard authorisation—
- (a) has been given, and
 - (b) has not ceased to be in force.
- (3) The second condition is that there is a change in supervisory responsibility.
- (4) The third condition is that there is not a change in the place of detention (within the meaning of paragraph 25).
- 99 For the purposes of this Part there is a change in supervisory responsibility if—
- (a) one body (“the old supervisory body”) have ceased to be supervisory body in relation to the standard authorisation, and
 - (b) a different body (“the new supervisory body”) have become supervisory body in relation to the standard authorisation.

Effect of change in supervisory responsibility

- 100 (1) The new supervisory body becomes the supervisory body in relation to the authorisation.
- (2) Anything done by or in relation to the old supervisory body in connection with the authorisation has effect, so far as is necessary for continuing its effect after the change, as if done by or in relation to the new supervisory body.
- (3) Anything which relates to the authorisation and which is in the process of being done by or in relation to the old supervisory body at the time of the change may be continued by or in relation to the new supervisory body.

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(4) But—

- (a) the old supervisory body do not, by virtue of this paragraph, cease to be liable for anything done by them in connection with the authorisation before the change; and
- (b) the new supervisory body do not, by virtue of this paragraph, become liable for any such thing.]

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