

Status: Point in time view as at 01/04/2008.

Changes to legislation: Mental Capacity Act 2005, Cross Heading: Mental health, mental capacity, eligibility or no refusals review assessment positive is up to date with all changes known to be in force on or before 22 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)

SCHEDULES¹

[^{F1}SCHEDULE A1 **E+W**

HOSPITAL AND CARE HOME RESIDENTS: DEPRIVATION OF LIBERTY

PART 8 **E+W**

STANDARD AUTHORISATIONS: REVIEW

Mental health, mental capacity, eligibility or no refusals review assessment positive

- 116 (1) This paragraph applies if the following conditions are met.
- (2) The first condition is that one or more of the following are carried out—
- (a) a mental health review assessment;
 - (b) a mental capacity review assessment;
 - (c) an eligibility review assessment;
 - (d) a no refusals review assessment.
- (3) The second condition is that each assessment carried out comes to a positive conclusion.
- (4) The supervisory body must decide whether or not each of the assessed qualifying requirements is reviewable on the change of reason ground.
- (5) If the supervisory body decide that any of the assessed qualifying requirements is reviewable on the change of reason ground, they must vary the standard authorisation so that it states the reason why the relevant person now meets the requirement or requirements in question.
- (6) If the supervisory body decide that none of the assessed qualifying requirements are reviewable on the change of reason ground, this Part does not require the supervisory body to take any action in respect of the standard authorisation so far as those requirements relate to it.
- (7) An assessed qualifying requirement is a qualifying requirement in relation to which a review assessment is carried out.]

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