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STATUTORY INSTRUMENTS

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**2008 No. 1315**

**The Mental Capacity (Deprivation of Liberty: Appointment of Relevant Person's Representative) Regulations 2008**

**PART 1**

Selection of representatives

**Selection by a donee or deputy**

6.—(1) Where—

- (a) the best interests assessor determines that the relevant person lacks capacity to select a representative; and
- (b) the relevant person has a donee or deputy<sup>(1)</sup> and the donee's or deputy's scope of authority permits the selection of a family member, friend or carer of the relevant person,

the donee or deputy may select such a person.

(2) A donee or deputy may select himself or herself to be the relevant person's representative.

(3) Where a donee or deputy does not wish to make a selection under paragraph (1) or (2), regulation 8 applies.

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<sup>(1)</sup> "deputy" is defined in section 64(1) of the Act.