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*Status: Point in time view as at 01/04/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Paragraph 44. (See end of Document for details)*

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# SCHEDULES<sup>1</sup>

## [<sup>F1</sup>SCHEDULE A1

### HOSPITAL AND CARE HOME RESIDENTS: DEPRIVATION OF LIBERTY

#### PART 4

##### STANDARD AUTHORISATIONS

###### *Best interests assessment*

- 44 (1) This paragraph applies if the best interests assessment comes to the conclusion that the relevant person does not meet the best interests requirement.
- (2) If, on the basis of the information taken into account in carrying out the assessment, it appears to the assessor that there is an unauthorised deprivation of liberty, he must include a statement to that effect in the assessment.
- (3) There is an unauthorised deprivation of liberty if the managing authority of the relevant hospital or care home are already depriving the relevant person of his liberty without authority of the kind mentioned in section 4A.]

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Point in time view as at 01/04/2008.

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Capacity Act 2005, Paragraph 44.