

Status: Point in time view as at 01/04/2008.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, Cross Heading: Duty to request authorisation: basic cases. (See end of Document for details)

SCHEDULES¹

[^{F1}SCHEDULE A1

HOSPITAL AND CARE HOME RESIDENTS: DEPRIVATION OF LIBERTY

PART 4

STANDARD AUTHORISATIONS

Duty to request authorisation: basic cases

- 24 (1) The managing authority must request a standard authorisation in any of the following cases.
- (2) The first case is where it appears to the managing authority that the relevant person—
- (a) is not yet accommodated in the relevant hospital or care home,
 - (b) is likely — at some time within the next 28 days — to be a detained resident in the relevant hospital or care home, and
 - (c) is likely—
 - (i) at that time, or
 - (ii) at some later time within the next 28 days,to meet all of the qualifying requirements.
- (3) The second case is where it appears to the managing authority that the relevant person—
- (a) is already accommodated in the relevant hospital or care home,
 - (b) is likely — at some time within the next 28 days — to be a detained resident in the relevant hospital or care home, and
 - (c) is likely—
 - (i) at that time, or
 - (ii) at some later time within the next 28 days,to meet all of the qualifying requirements.
- (4) The third case is where it appears to the managing authority that the relevant person—
- (a) is a detained resident in the relevant hospital or care home, and
 - (b) meets all of the qualifying requirements, or is likely to do so at some time within the next 28 days.
- (5) This paragraph is subject to paragraphs 27 to 29.]

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