Mental Capacity Act 2005 (c. 9)
SCHEDULE A1 – Hospital and care home residents: deprivation of liberty
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Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Cross
Heading: Relationship between review and request for new authorisation. (See end of Document for details)

S C H E D U L E S [F1][F1]

[F1]SCHEDULE A1

HOSPITAL AND CARE HOME RESIDENTS: DEPRIVATION OF LIBERTY

PART 8

STANDARD AUTHORISATIONS: REVIEW

Relationship between review and request for new authorisation

123   (1) This paragraph applies if, in accordance with paragraph 24 (as read with paragraph 29), the managing authority of the relevant hospital or care home make a request for a new standard authorisation which would be in force after the expiry of the existing authorisation.

(2) No review may be requested under this Part until the request for the new standard authorisation has been disposed of.

(3) If a review has already been requested, or is being carried out, when the new standard authorisation is requested, no steps are to be taken in connection with that review until the request for the new standard authorisation has been disposed of.

124   (1) This paragraph applies if—

(a)   a review under this Part has been requested, or is being carried out, and

(b)   the managing authority of the relevant hospital or care home make a request under paragraph 30 for a new standard authorisation which would be in force on or before, and after, the expiry of the existing authorisation.

(2) No steps are to be taken in connection with the review under this Part until the request for the new standard authorisation has been disposed of.

125   In paragraphs 123 and 124—

(a)   the existing authorisation is the authorisation referred to in paragraph 101;

(b)   the expiry of the existing authorisation is the time when it is expected to cease to be in force.]

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