

SCHEDULES

SCHEDULE 2

Authorisation of short-term detention in hospital for examination etc

Part 3

Events terminating the authorisation

The condition for detention

- 12.**—(1) This paragraph applies for the purposes of paragraphs 11, 13 and 14.
- (2) The condition referred to in those paragraphs is that—
- (a) failure to detain P in the hospital in circumstances amounting to a deprivation of liberty, for the purposes of further care, would create a risk of serious harm to P or of serious physical harm to other persons;
 - (b) detaining P in the hospital in circumstances amounting to a deprivation of liberty, for those purposes, is a proportionate response to—
 - (i) the likelihood of harm to P, or of physical harm to other persons; and
 - (ii) the seriousness of the harm concerned;
 - (c) P lacks capacity in relation to whether he or she should be so detained; and
 - (d) it would be in P’s best interests for him or her to be so detained.
- (3) In sub-paragraph (2) “further care” means such one or more of the following as are appropriate in P’s case—
- (a) further examination;
 - (b) the provision to P of other treatment or care.