

STATUTORY RULES OF NORTHERN IRELAND

2019 No. 199

**The Mental Capacity (Deprivation of Liberty)
(No. 2) Regulations (Northern Ireland) 2019**

PART 3

Information, Authorisation and Extensions

CHAPTER 5

Extension by trust panel authorisation

Schedule 3 application

30. [^{F1}Subject to regulation 30A, for] the purposes of paragraph 3(1)(a) of Schedule 3 to the Act a person can make an application for a trust panel extension of a deprivation of liberty under Schedule 3 to the Act if he or she is—

- (a) a suitably qualified person;
- (b) involved in the care or treatment of P;
- (c) not the person making the medical report required in paragraph 4(1)(c) of Schedule 3 to the Act; and
- (d) unconnected with P.

Textual Amendments

F1 Words in reg. 30 substituted(temp) (2.4.2020) by [The Mental Capacity \(Deprivation of Liberty\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/57\)](#), regs. 1(1), **2(j)**

[^{F2}**30A.** In an emergency period the requirements in regulation 30(b) and (c) do not need to be met.]

Textual Amendments

F2 [Reg. 30A](#) inserted(temp) (2.4.2020) by [The Mental Capacity \(Deprivation of Liberty\) \(Amendment\) Regulations \(Northern Ireland\) 2020 \(S.R. 2020/57\)](#), regs. 1(1), **2(k)**

Form of application

31. For the purposes of paragraph 4(1)(a) and (f) of Schedule 3 to the Act an application for authorisation under Schedule 3 to the Act must be made on Form 16, include the information in Form 16 and include the Forms in regulation 32.

32. When making an application under Schedule 3 to the Act—

- (a) the statement of incapacity must be included and made on Form 1;
- (b) a statement of best interests must be included and made on Form 2;
- (c) the care plan must be made on Form 4;
- (d) the medical report must be made on Form 6;
- (e) the statement in paragraph 4(2) of Schedule 3 to the Act must be made on Form 7;
- (f) the responsible person statement must be made on Form 15.

Medical report

33. For the purposes of paragraph 5(1) and 5(1)(c) of Schedule 3 to the Act the medical report must be made on Form 6 and include the information in Form 6.

Care plan

34. For the purposes of paragraph 6 of Schedule 3 to the Act the care plan must be made on Form 4 and include the information in Form 4.

Information

35.—(1) For the purposes of paragraph 7(1)(a) of Schedule 3 to the Act when an application is received by the relevant trust, it must as soon as practicable notify P and persons in paragraph (2) with the information in paragraph (3).

(2) The persons that must be notified (in addition to P) are—

- (a) the nominated person; and
- (b) any person P has asked the information to be given to.

(3) The information that must be provided includes—

- (a) information that an application has been received in respect of P;
- (b) the purpose of the application;
- (c) information about the HSC Trust where the decision will be taken and how to contact the HSC Trust;
- (d) information about the workings of the panel; and
- (e) information about P's rights under the Act.

36.—(1) For the purposes of paragraph 9(3)(b) of Schedule 3 to the Act as soon as practicable after granting or refusing an authorisation under paragraph 8 of Schedule 3 to the Act, the panel must notify P and the persons in paragraph (2) with the information in paragraph (3) and (4).

(2) The persons who must be notified (in addition to P) are—

- (a) the nominated person; and
- (b) any person P has asked the information to be given to.

(3) The information that must be provided includes—

- (a) notification of the decision;
- (b) contact details for the HSC Trust in which the trust panel made the decision.

(4) If an authorisation is granted under paragraph 8 of Schedule 3 to the Act, the panel must also provide information to P and the persons in paragraph (2) on—

- (a) the purpose or purposes of the deprivation of liberty;
 - (b) the place or places where the deprivation of liberty will take place; and
 - (c) P's rights in respect of the Review Tribunal.
- (5) As soon as practicable after granting or refusing an authorising an authorisation under paragraph 8 of Schedule 3 to the Act, the panel must notify—
- (a) the person who made the application; and
 - (b) the managing authority where the deprivation of liberty will take place
- and furnish such information to those persons to facilitate the deprivation of liberty as authorised or not.
- (6) If the application contains a statement mentioned in paragraph 4(2) of Schedule 3 to the Act (statement that P lacks, or probably lacks, capacity in relation to making an application to the Tribunal), the Attorney General must be notified and all information used by the trust panel must be sent to the Attorney General.

Changes to legislation:

There are currently no known outstanding effects for the The Mental Capacity (Deprivation of Liberty) (No. 2) Regulations (Northern Ireland) 2019, CHAPTER 5.