

*Status: Point in time view as at 01/10/2012.*

**Changes to legislation:** Mental Capacity Act 2005, Cross Heading: Request for extension of duration is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

## SCHEDULES

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

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

##### Textual Amendments

- F1** Sch. A1 inserted (1.4.2008 for certain purposes and otherwise 1.4.2009) by [Mental Health Act 2007 \(c. 12\)](#), ss. 50, 56, [Sch. 7](#); [S.I. 2008/745](#), [art. 4\(a\)](#); [S.I. 2009/139](#), [art. 2\(c\)](#) (with [art. 3](#), [Sch. paras. 3, 4](#))

### PART 5

#### URGENT AUTHORISATIONS

##### *Request for extension of duration*

- 84 (1) This paragraph applies if the managing authority make a request under paragraph 77 for the supervisory body to extend the duration of the original authorisation.
- (2) The managing authority must keep a written record of why they have made the request.
- (3) The managing authority must give the relevant person notice that they have made the request.
- (4) The supervisory body may extend the duration of the original authorisation if it appears to them that—
- (a) the managing authority have made the required request for a standard authorisation,
  - (b) there are exceptional reasons why it has not yet been possible for that request to be disposed of, and
  - (c) it is essential for the existing detention to continue until the request is disposed of.
- (5) The supervisory body must keep a written record that the request has been made to them.
- (6) In this paragraph and paragraphs 85 and 86—
- (a) “original authorisation” and “existing detention” have the same meaning as in paragraph 77;
  - (b) the required request for a standard authorisation is the request that is referred to in paragraph 76(2) or (3).
- 85 (1) This paragraph applies if, under paragraph 84, the supervisory body decide to extend the duration of the original authorisation.

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- (2) The supervisory body must decide the period of the extension.
  - (3) That period must not exceed 7 days.
  - (4) The supervisory body must give the managing authority notice stating the period of the extension.
  - (5) The managing authority must then vary the original authorisation so that it states the extended duration.
  - (6) Paragraphs 82(3) and 83 apply (with the necessary modifications) to the variation of the original authorisation as they apply to the giving of an urgent authorisation.
  - (7) The supervisory body must keep a written record of—
    - (a) the outcome of the request, and
    - (b) the period of the extension.
- 86 (1) This paragraph applies if, under paragraph 84, the supervisory body decide not to extend the duration of the original authorisation.
- (2) The supervisory body must give the managing authority notice stating—
    - (a) the decision, and
    - (b) their reasons for making it.
  - (3) The managing authority must give a copy of that notice to all of the following—
    - (a) the relevant person;
    - (b) any section 39A IMCA.
  - (4) The supervisory body must keep a written record of the outcome of the request.]

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