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STATUTORY INSTRUMENTS

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**2008 No. 1858**

**The Mental Capacity (Deprivation of Liberty:  
Standard Authorisations, Assessments and  
Ordinary Residence) Regulations 2008**

**PART 5**

**Requests for a standard authorisation**

**Information to be provided in a request for a standard authorisation**

**16.—(1)** A request for a standard authorisation must include the following information—

- (a) the name and gender of the relevant person;
- (b) the age of the relevant person or, where this is not known, whether the managing authority believes that the relevant person is aged 18 years or older;
- (c) the address and telephone number where the relevant person is currently located;
- (d) the name, address and telephone number of the managing authority and the name of the person within the managing authority who is dealing with the request;
- (e) the purpose for which the authorisation is requested;
- (f) the date from which the standard authorisation is sought; and
- (g) whether the managing authority has given an urgent authorisation under paragraph 76 of Schedule A1 to the Act and, if so, the date on which it expires.

(2) Except as provided for in paragraph (3), a request for a standard authorisation must include the following information if it is available or could reasonably be obtained by the managing authority—

- (a) any medical information relating to the relevant person's health that the managing authority considers to be relevant to the proposed restrictions to the relevant person's liberty;
- (b) the diagnosis of the mental disorder (within the meaning of the Mental Health Act 1983 but disregarding any exclusion for persons with learning disability)<sup>(1)</sup> that the relevant person is suffering from;
- (c) any relevant care plans and relevant needs assessments;
- (d) the racial, ethnic or national origins of the relevant person;
- (e) whether the relevant person has any special communication needs;
- (f) details of the proposed restrictions on the relevant person's liberty;
- (g) whether section 39A of the Act (person becomes subject to Schedule A1)<sup>(2)</sup> applies;

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(1) See paragraph 14 of Schedule A1 to the Act.

(2) Section 39A was inserted by section 50 of and Schedule 9 to the Mental Health Act 2007.

- (h) where the purpose of the proposed restrictions to the relevant person’s liberty is to give treatment, whether the relevant person has made an advance decision that may be valid and applicable to some or all of that treatment;
  - (i) whether the relevant person is subject to—
    - (i) the hospital treatment regime,
    - (ii) the community treatment regime, or
    - (iii) the guardianship regime<sup>(3)</sup>;
  - (j) the name, address and telephone number of—
    - (i) anyone named by the relevant person as someone to be consulted about his welfare,
    - (ii) anyone engaged in caring for the person or interested in his welfare,
    - (iii) any donee of a lasting power of attorney granted by the person,
    - (iv) any deputy appointed for the person by the court, and
    - (v) any independent mental capacity advocate appointed in accordance with sections 37 to 39D<sup>(4)</sup> of the Act; and
  - (k) whether there is an existing authorisation in relation to the detention of the relevant person and, if so, the date of the expiry of that authorisation.
- (3) Where—
- (a) there is an existing authorisation in force in relation to the detention of the relevant person; and
  - (b) the managing authority makes a request in accordance with paragraph 30 of Schedule A1 to the Act for a further standard authorisation in relation to the same relevant person,
- the request need not include any of the information mentioned in paragraph (2)(a) to (j) if that information remains the same as that supplied in relation to the request for the existing authorisation.
- (4) In this regulation “existing authorisation” has the same meaning as in paragraph 29 of Schedule A1 to the Act.

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(3) The hospital treatment, community treatment and guardianship regimes are defined in paragraphs 8 to 10 of Part 2 of Schedule 1A to the Mental Capacity Act 2005. Schedule 1A was inserted by section 50 of and Schedule 8 to the Mental Health Act 2007.

(4) Sections 39B to 39D were inserted by section 50 of and Schedule 9 to the Mental Health Act 2007.