
WELSH STATUTORY INSTRUMENTS

2009 No. 783

**The Mental Capacity (Deprivation of Liberty:
Assessments, Standard Authorisations and Disputes
about Residence) (Wales) Regulations 2009**

PART 2

Eligibility to carry out assessments

Eligibility — general

3.—(1) Subject to additional requirements in regulations 4 to 8 a person is only eligible to carry out an assessment, other than an age assessment, where the supervisory body is satisfied that the person—

- (a) is insured in respect of any liabilities that might arise in connection with carrying out the assessment; and
- (b) has the skills and experience appropriate to the assessment he or she is to carry out which must include, but is not limited to, the following skills—
 - (i) the ability to communicate effectively with a view to identifying characteristics and attributes of a person that are relevant to that person's needs, and
 - (ii) the ability to act independently of any person who appoints him or her to carry out an assessment and of any person who is providing care or treatment to the person he or she is to assess.

(2) The supervisory body must be satisfied that there is in respect of the person—

- (a) an enhanced criminal record certificate issued under section 113B of the Police Act 1997⁽¹⁾; or
- (b) if the purpose for which the certificate is required is not one prescribed under subsection (2) of that section, a criminal record certificate issued pursuant to section 113A of that Act⁽²⁾.

⁽¹⁾ 1997 c. 50. Section 113B was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c. 15).

⁽²⁾ Section 113A was inserted by section 163(2) of the Serious Organised Crime and Policy Act 2005.