



Mental Capacity Act 2005

Deprivation of Liberty Safeguards

Part A: Consultation by the Ministry of Justice
on a Code of Practice for England and Wales

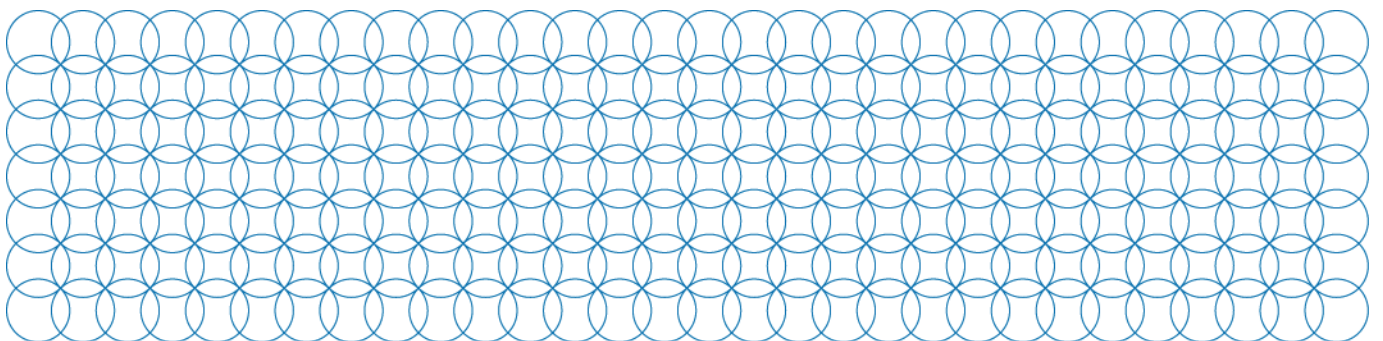
Part B: Consultation by the Department of
Health on regulations – England only

Part C: Further information

Consultation Paper CP23/07

Published on 10/09/2007

This consultation will end on 2/12/2007



DH INFORMATION READER BOX

Policy	Estates HR / Workforce Management Planning / Clinical	Commissioning IM & T Finance Social Care / Partnership Working
Document Purpose	Consultation/Discussion	
ROCR Ref:	Gateway Ref:	8319
Title	Consultation on the Mental Capacity Act 2005 deprivation of liberty safeguards draft Code of Practice and draft regulations	
Author	Department of Health and Ministry of Justice jointly	
Publication Date	10 Sep 2007	
Target Audience	PCT CEs, NHS Trust CEs, SHA CEs, Care Trust CEs, Foundation Trust CEs , Directors of Nursing, Local Authority CEs	
Circulation List	Directors of PH, Directors of Adult SSs, Voluntary Organisations/NDPBs	
Description	Consultation to seek views on draft Code of Practice guidance and draft regulations linked to the introduction of the deprivation of liberty safeguards into the Mental Capacity Act 2005.	
Cross Ref	""Bournemouth" Consultation": March 2005. "Protecting the Vulnerable: the "Bournemouth" Consultation": June 2006	
Superseded Docs	None.	
Action Required	N/A	
Timing	Consultation closes 2 December 2007.	
Contact Details	Mike Preston Social Care - Policy & Innovation - Dignity & Quality Area 224, Wellington House 133-155 Waterloo Road, London SE1 8UG 020 7972 3963 www.dh.gov.uk/en/Consultations/Liveconsultations/DH_078052 www.justice.gov.uk/publications/cp2307.htm	
For Recipient's Use		



Ministry of
JUSTICE



Mental Capacity Act 2005

Deprivation of Liberty Safeguards

Part A: Consultation by the Ministry of Justice
on a Code of Practice for England and Wales

Part B: Consultation by the Department of
Health on regulations – England only

Part C: Further information

A consultation produced by the Ministry of Justice and the Department of Health. It is also available on the Ministry of Justice website at www.justice.gov.uk/publications/cp2307.htm and the Department of Health website at www.dh.gov.uk/en/Consultations/Liveconsultations/DH_078052

This consultation exercise relates to the deprivation of liberty safeguards of the Mental Capacity Act 2005. It covers:-

- Code of Practice guidance relating to the safeguards. This consultation is being led by the Ministry of Justice in respect of the Lord Chancellor's obligation under section 42 of the Mental Capacity Act 2005 to prepare and issue a code and his obligation under section 43 to consult such persons as he considers appropriate in the preparation of a code. The consultation covers England and Wales.
- The use of regulation-making powers included in the safeguards legislation. This consultation is being led by the Department of Health. It covers England only. Welsh Ministers will be consulting separately on the use of the regulation-making powers in Wales.

The consultations are being issued together to avoid the need for respondents to send separate comments to the Ministry of Justice and the Department of Health if they wish to express views on both the Code and the regulations consultations.

