

*These notes refer to the Mental Capacity Act 2005
(c.9) which received Royal Assent on 7 April 2005*

MENTAL CAPACITY ACT 2005

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Miscellaneous and General

Declaratory provision

Section 62: Scope of the Act

154. This confirms that the Act has no effect on the law relating to unlawful killing or assisting suicide.

Private international law

Section 63: International Protection of Adults

155. This introduces *Schedule 3* which makes provision as to the private international law of England and Wales in relation to persons who cannot protect their interests. For example it determines which jurisdiction should apply when a national of one country is in another.

General

Section 66: Existing receivers and enduring powers of attorney etc.

156. This repeals Part 7 of the Mental Health Act 1983 (management of property and affairs of patients) and the whole of the Enduring Powers of Attorney Act 1985, but introduces transitional provisions.

Section 67: Minor consequential amendments and repeals

157. This section enables the Lord Chancellor to make secondary legislation (orders) to give effect to the Act. Any such order which amends or repeals primary legislation (an Act of Parliament or General Synod Measure) will be subject to the affirmative resolution procedure in Parliament.