

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

# MENTAL CAPACITY ACT 2005

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2: the Court of Protection and the Public Guardian**

##### **Fees and costs**

##### *Section 54: Fees*

140. This section concerns the setting of fees chargeable by the Court of Protection (which will be by order of the Lord Chancellor with the consent of the Treasury). The order will be subject to the negative resolution procedure (see *section 65(2)*). The order may set the level of fees, any exemptions from and reductions in the fees and any partial or whole remission of fees. Prior to making the order the Lord Chancellor must consult with the President, Vice-President and Senior Judge of the Court of Protection. The Lord Chancellor must take reasonably practicable steps to give out information about fees. Similar provision is made about other court fees in section 92 of the Courts Act 2003.