

*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 55: Costs*

141. This section concerns the costs of Court of Protection proceedings and will be supplemented by Court of Protection Rules. Subject to such rules, the court will have discretion to make costs orders, including wasted costs orders, against legal or other representatives. It seeks to put the new court in the same position as the other civil courts.