

*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 2: the Court of Protection and the Public Guardian

The Public Guardian

Section 59: Public Guardian Board

149. This section provides for a body, to be known as the Public Guardian Board, members of which are to be appointed by the Lord Chancellor. The Board will scrutinise and review the Public Guardian's work and make recommendations to the Lord Chancellor.
150. The Board must have at least one member who is a judge of the Court of Protection and at least four members with appropriate knowledge or experience of the Public Guardian's work. *Subsection (6)* provides a regulation-making power that will allow the Lord Chancellor to set out in more detail how members will be appointed and how the Board will operate.
151. *Subsection (8)* provides for the Lord Chancellor to make payments to members of the Board for reimbursement of expenses, allowances and remuneration. *Subsection (9)* requires the Board to make an annual report to the Lord Chancellor.