

*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

SCHEDULES

Schedule 5: Transitional provisions and savings

195. *Schedule 5* sets out transitional arrangements arising from the repeal of Part 7 of the Mental Health Act 1983 and repeal of the Enduring Powers of Attorney Act 1985.
196. In particular, Part 1 sets out provisions for enabling receivers appointed under the Mental Health Act 1983 to continue. *Paragraph 1(2)* provides that after implementation the Act shall apply as if any receiver for the person were, in fact, a deputy appointed in relation to that person, but only with the functions he had as a receiver. Part 2 allows for the continuation of procedural matters (e.g. appeals and other legal proceedings) relating to EPAs which remain in place by the time the Enduring Powers of Attorney Act 1985 is repealed.