



# Mental Capacity Act 2005

## 2005 CHAPTER 9

### PART 1

#### PERSONS WHO LACK CAPACITY

##### *Excluded decisions*

#### **27 Family relationships etc.**

- (1) Nothing in this Act permits a decision on any of the following matters to be made on behalf of a person—
- (a) consenting to marriage or a civil partnership,
  - (b) consenting to have sexual relations,
  - (c) consenting to a decree of divorce being granted on the basis of two years' separation,
  - (d) consenting to a dissolution order being made in relation to a civil partnership on the basis of two years' separation,
  - (e) consenting to a child's being placed for adoption by an adoption agency,
  - (f) consenting to the making of an adoption order,
  - (g) discharging parental responsibilities in matters not relating to a child's property,
  - (h) giving a consent under the Human Fertilisation and Embryology Act 1990 (c. 37).
- (2) "Adoption order" means—
- (a) an adoption order within the meaning of the Adoption and Children Act 2002 (c. 38) (including a future adoption order), and
  - (b) an order under section 84 of that Act (parental responsibility prior to adoption abroad).

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*Status: Point in time view as at 01/10/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Cross Heading: Excluded decisions. (See end of Document for details)*

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## **28 Mental Health Act matters**

- (1) Nothing in this Act authorises anyone—
  - (a) to give a patient medical treatment for mental disorder, or
  - (b) to consent to a patient's being given medical treatment for mental disorder,if, at the time when it is proposed to treat the patient, his treatment is regulated by Part 4 of the Mental Health Act.
- (2) “Medical treatment”, “mental disorder” and “patient” have the same meaning as in that Act.

## **29 Voting rights**

- (1) Nothing in this Act permits a decision on voting at an election for any public office, or at a referendum, to be made on behalf of a person.
- (2) “Referendum” has the same meaning as in section 101 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

**Status:**

Point in time view as at 01/10/2007.

**Changes to legislation:**

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