

*Status: Point in time view as at 23/07/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Paragraph 4. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

#### INTERNATIONAL PROTECTION OF ADULTS

##### PART 1

##### PRELIMINARY

##### *Adults with incapacity*

- 4 [F1(1<sup>F1</sup>)] “Adult” means [F2subject to sub-paragraph (2)]<sup>F2</sup> a person who—
- (a) as a result of an impairment or insufficiency of his personal faculties, cannot protect his interests, and
  - (b) has reached 16.
- [F3(2)] But “adult” does not include a child to whom either of the following applies—
- (a) the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-Operation in respect of Parental Responsibility and Measures for the Protection of Children that was signed at The Hague on 19 October 1996;
  - (b) Council Regulation (EC) No. 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility.<sup>F3]</sup>

##### Textual Amendments

- F1** Sch. 3 para. 4 renumbered as Sch. 3 para. 4(1) (coming into force in accordance with reg. 1(2) of the amending S.I.) by virtue of [The Parental Responsibility and Measures for the Protection of Children \(International Obligations\) \(England and Wales and Northern Ireland\) Regulations 2010 \(S.I. 2010/1898\)](#), reg. 17, **Sch. para. 10(b)**
- F2** Words in Sch. 3 para. 4 inserted (coming into force in accordance with reg. 1(2) of the amending S.I.) by [The Parental Responsibility and Measures for the Protection of Children \(International Obligations\) \(England and Wales and Northern Ireland\) Regulations 2010 \(S.I. 2010/1898\)](#), reg. 17, **Sch. para. 10(a)**
- F3** Sch. 3 para. 4(2) inserted (coming into force in accordance with reg. 1(2) of the amending S.I.) by [The Parental Responsibility and Measures for the Protection of Children \(International Obligations\) \(England and Wales and Northern Ireland\) Regulations 2010 \(S.I. 2010/1898\)](#), reg. 17, **Sch. para. 10(b)**

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