

*Status: Point in time view as at 01/10/2007.*

*Changes to legislation: Mental Capacity Act 2005, Part 6 is up to date with all changes known to be in force on or before 18 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

#### INTERNATIONAL PROTECTION OF ADULTS

##### PART 6

##### GENERAL

##### *Certificates*

- 30 A certificate given under Article 38 by an authority in a Convention country other than England and Wales is, unless the contrary is shown, proof of the matters contained in it.

##### *Powers to make further provision as to private international law*

- 31 Her Majesty may by Order in Council confer on the Lord Chancellor, the court or another public authority functions for enabling the Convention to be given effect in England and Wales.
- 32 (1) Regulations may make provision—
- (a) giving further effect to the Convention, or
  - (b) otherwise about the private international law of England and Wales in relation to the protection of adults.
- (2) The regulations may—
- (a) confer functions on the court or another public authority;
  - (b) amend this Schedule;
  - (c) provide for this Schedule to apply with specified modifications;
  - (d) make provision about countries other than Convention countries.

##### *Exceptions*

- 33 Nothing in this Schedule applies, and no provision made under paragraph 32 is to apply, to any matter to which the Convention, as a result of Article 4, does not apply.

##### *Regulations and orders*

- 34 A reference in this Schedule to regulations or an order (other than an Order in Council) is to regulations or an order made for the purposes of this Schedule by the Lord Chancellor.

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### *Commencement*

- 35 The following provisions of this Schedule have effect only if the Convention is in force in accordance with Article 57—
- (a) paragraph 8,
  - (b) paragraph 9,
  - (c) paragraph 19(2) and (5),
  - (d) Part 5,
  - (e) paragraph 30.

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