



# Mental Capacity Act 2005

## 2005 CHAPTER 9

### PART 1

#### PERSONS WHO LACK CAPACITY

##### *General powers of the court and appointment of deputies*

#### **18 Section 16 powers: property and affairs**

- (1) The powers under section 16 as respects P's property and affairs extend in particular to—
  - (a) the control and management of P's property;
  - (b) the sale, exchange, charging, gift or other disposition of P's property;
  - (c) the acquisition of property in P's name or on P's behalf;
  - (d) the carrying on, on P's behalf, of any profession, trade or business;
  - (e) the taking of a decision which will have the effect of dissolving a partnership of which P is a member;
  - (f) the carrying out of any contract entered into by P;
  - (g) the discharge of P's debts and of any of P's obligations, whether legally enforceable or not;
  - (h) the settlement of any of P's property, whether for P's benefit or for the benefit of others;
  - (i) the execution for P of a will;
  - (j) the exercise of any power (including a power to consent) vested in P whether beneficially or as trustee or otherwise;
  - (k) the conduct of legal proceedings in P's name or on P's behalf.
- (2) No will may be made under subsection (1)(i) at a time when P has not reached 18.
- (3) The powers under section 16 as respects any other matter relating to P's property and affairs may be exercised even though P has not reached 16, if the court considers it

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*Status: This is the original version (as it was originally enacted).*

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likely that P will still lack capacity to make decisions in respect of that matter when he reaches 18.

- (4) Schedule 2 supplements the provisions of this section.
- (5) Section 16(7) (variation and discharge of court orders) is subject to paragraph 6 of Schedule 2.
- (6) Subsection (1) is subject to section 20 (restrictions on deputies).