



Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

General powers of the court and appointment of deputies

19 Appointment of deputies

- (1) A deputy appointed by the court must be—
 - (a) an individual who has reached 18, or
 - (b) as respects powers in relation to property and affairs, an individual who has reached 18 or a trust corporation.
- (2) The court may appoint an individual by appointing the holder for the time being of a specified office or position.
- (3) A person may not be appointed as a deputy without his consent.
- (4) The court may appoint two or more deputies to act—
 - (a) jointly,
 - (b) jointly and severally, or
 - (c) jointly in respect of some matters and jointly and severally in respect of others.
- (5) When appointing a deputy or deputies, the court may at the same time appoint one or more other persons to succeed the existing deputy or those deputies—
 - (a) in such circumstances, or on the happening of such events, as may be specified by the court;
 - (b) for such period as may be so specified.
- (6) A deputy is to be treated as P's agent in relation to anything done or decided by him within the scope of his appointment and in accordance with this Part.
- (7) The deputy is entitled—

Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 19. (See end of Document for details)

- (a) to be reimbursed out of P's property for his reasonable expenses in discharging his functions, and
 - (b) if the court so directs when appointing him, to remuneration out of P's property for discharging them.
- (8) The court may confer on a deputy powers to—
- (a) take possession or control of all or any specified part of P's property;
 - (b) exercise all or any specified powers in respect of it, including such powers of investment as the court may determine.
- (9) The court may require a deputy—
- (a) to give to the Public Guardian such security as the court thinks fit for the due discharge of his functions, and
 - (b) to submit to the Public Guardian such reports at such times or at such intervals as the court may direct.

Changes to legislation:

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