



# 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).
  - [<sup>F1</sup>(i) giving a consent under the Human Fertilisation and Embryology Act 2008.]

<sup>F1</sup>(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*Status: Point in time view as at 01/09/2021.*

*Changes to legislation: There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 27. (See end of Document for details)*

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### Textual Amendments

- F1** S. 27(1)(i) inserted (6.4.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), ss. 56, 68, [Sch. 6 para. 40](#); S.I. 2009/479, [art. 6\(1\)\(d\)](#) (with transitional provisions in [art. 7 Sch. 1](#))

### Modifications etc. (not altering text)

- C1** S. 27(1)(g) restricted (1.9.2014) by [The Special Educational Needs and Disability Regulations 2014 \(S.I. 2014/1530\)](#), regs. 1, [65](#)
- C2** S. 27(1)(g) excluded (1.4.2015) by [The Special Educational Needs and Disability \(Detained Persons\) Regulations 2015 \(S.I. 2015/62\)](#), regs. 1, [33](#)
- C3** S. 27(1)(g) restricted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by 2010 c. 15, [Sch. 17 para. 6F](#) (as inserted by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), s. 100(3), [Sch. 1 para. 19\(5\)\(h\)](#)); S.I. 2020/1182, reg. 3(1)(n); S.I. 2021/373, art. 8(j)(xxxiii))
- C4** S. 27(1)(g): power to restrict conferred (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), [ss. 83, 100\(3\)](#); S.I. 2020/1182, reg. 3(1)(j); S.I. 2021/373, art. 8(h)
- C5** S. 27(1)(g) excluded (W.) (1.9.2021) by [The Additional Learning Needs \(Wales\) Regulations 2021 \(S.I. 2021/401\)](#), regs. 1(2), [42](#)
- C6** S. 27(1)(g) excluded (W.) (1.9.2021) by [The Equality Act 2010 \(Capacity of parents and persons over compulsory school age\) \(Wales\) Regulations 2021 \(S.I. 2021/403\)](#), regs. 1(2), [6](#)

**Status:**

Point in time view as at 01/09/2021.

**Changes to legislation:**

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