



Mental Capacity Act 2005

2005 CHAPTER 9

PART 1

PERSONS WHO LACK CAPACITY

Independent mental capacity advocate service

41 Power to adjust role of independent mental capacity advocate

- (1) The appropriate authority may make regulations—
 - (a) expanding the role of independent mental capacity advocates in relation to persons who lack capacity, and
 - (b) adjusting the obligation to make arrangements imposed by section 35.
- (2) The regulations may, in particular—
 - (a) prescribe circumstances (different to those set out in sections 37, 38 and 39) in which an independent mental capacity advocate must, or circumstances in which one may, be instructed by a person of a prescribed description to represent a person who lacks capacity, and
 - (b) include provision similar to any made by section 37, 38, 39 or 40.
- (3) “Appropriate authority” has the same meaning as in section 35.

Commencement Information

- II** S. 41 wholly in force at 1.10.2007; s. 41 not in force at Royal Assent see s. 68(1)-(3); s. 41 in force for E. at 1.11.2006 for certain purposes and otherwise 1.4.2007 by [S.I. 2006/2814](#), [art. 5](#); s. 41 in force at 1.10.2007 for W. by [S.I. 2007/856](#), [art. 5](#)

Changes to legislation:

There are currently no known outstanding effects for the Mental Capacity Act 2005, Section 41.