
Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Mental Capacity (Amendment) Act 2019, Paragraph 4. (See end of Document for details)

PROSPECTIVE

SCHEDULES

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO THE MENTAL CAPACITY ACT 2005

- 4 (1) Section 36 (functions of independent mental capacity advocates) is amended as follows.
- (2) In subsection (2)(a) leave out “(“P”) so that P” and insert “ or support so that that person ”.
- (3) In subsection (2)(c) leave out “P’s wishes and feelings” and insert “ the wishes and feelings of the person the advocate has been instructed to represent (“P”) ”.
- (4) After subsection (2)(d) insert—
- “(da) in the case of an advocate instructed to support an appropriate person where paragraph 43 of Schedule AA1 applies, supporting that person to ascertain—
- (i) what the wishes and feelings of the cared-for person who that appropriate person represents and supports would be likely to be and the beliefs and values that would be likely to influence the cared-for person;
 - (ii) what alternative courses of action are available in relation to the cared-for person who that appropriate person represents and supports;”.

Status:

This version of this part contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Mental Capacity (Amendment) Act 2019, Paragraph 4.