

## SCHEDULE 1

Transfer, modification and abolition of functions of the Lord Chancellor — primary legislation

### **Mental Capacity Act 2005**

**33.**—(1) Section 46 is amended in accordance with this paragraph.

(2) In subsection (1)(a), for “Lord Chancellor” substitute “Lord Chief Justice”.

(3) For subsection (1)(b) substitute—

“(b) where nominated by the Lord Chief Justice to act on his behalf under this subsection—

(i) the President of the Court of Protection; or

(ii) a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005).”.

(4) In subsection (3), for “Lord Chancellor” substitute “Lord Chief Justice, after consulting the Lord Chancellor.”.

(5) In subsection (4)—

(a) for “Lord Chancellor” in the first place substitute “Lord Chief Justice, after consulting the Lord Chancellor.”;

(b) after “Lord Chancellor” in the second place insert “, after consulting the Lord Chief Justice.”.