

SCHEDULE 1

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

Mental Capacity Act 2005

35. For section 52 substitute—

“52 Practice directions

(1) Directions as to the practice and procedure of the court may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005.

(2) Practice directions given otherwise than under subsection (1) may not be given without the approval of—

- (a) the Lord Chancellor, and
- (b) the Lord Chief Justice.

(3) The Lord Chief Justice may nominate any of the following to exercise his functions under this section—

- (a) the President of the Court of Protection;
- (b) a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005).”.