

SCHEDULE 1

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

Mental Capacity Act 2005

37.—(1) Section 65 is amended in accordance with this paragraph.

(2) In subsection (1), after “this Act” insert “, other than the power in section 21”.

(3) After subsection (4) insert—

“(5) An order under section 21—

- (a) may include supplementary, incidental, consequential, transitional or saving provision;
- (b) may make different provision for different cases;
- (c) is to be made in the form of a statutory instrument to which the Statutory Instruments Act 1946 applies as if the order were made by a Minister of the Crown; and
- (d) is subject to annulment in pursuance of a resolution of either House of Parliament.”.