

**Mental Capacity Act
(CHAPTER 177A)**

Table of Contents

Long Title

Part I PRELIMINARY

1 Short title

2 Interpretation

Part II PERSONS WHO LACK CAPACITY

3 The principles

4 Persons who lack capacity

5 Inability to make decisions

6 Best interests

Part III ACTS IN CONNECTION WITH CARE OR TREATMENT

7 Acts in connection with care or treatment

8 Section 7 acts: limitations

9 Payment for necessary goods and services

10 Expenditure

Part IV LASTING POWERS OF ATTORNEY

11 Lasting powers of attorney

12 Appointment of donees

13 Lasting powers of attorney: restrictions

14 Scope of lasting powers of attorney: gifts

15 Revocation of lasting powers of attorney, etc.

**16 Protection of donee and others if no power created or power
revoked**

17 Powers of court in relation to validity of lasting powers of attorney

**18 Powers of court in relation to operation of lasting powers of
attorney**

**Part V GENERAL POWERS OF COURT AND APPOINTMENT OF
DEPUTIES**

19 Power to make declarations

20 Powers to make decisions and appoint deputies: general

21 Powers to make decisions and appoint deputies: minors

22 Section 20 powers: personal welfare

23 Section 20 powers: property and affairs

24 Appointment of deputies

25 Restrictions on deputies

Part VI EXCLUDED DECISIONS AND DECLARATORY PROVISIONS

26 Excluded decisions

27 Mental Health (Care and Treatment) Act matters

28 Voting rights

29 Scope of Act

Part VII PUBLIC GUARDIAN AND BOARD OF VISITORS

30 Public Guardian

31 Functions of Public Guardian

32 Powers of investigation by Public Guardian

33 Public Guardian Board

34 Annual report

35 Board of Visitors

Part VIII SUPPLEMENTARY POWERS, PRACTICE AND PROCEDURE OF COURT

36 Interim orders and directions

37 Power to call for reports

38 Applications to court

39 Rules of Court

40 Costs

Part IX MISCELLANEOUS

41 Codes of practice

42 Ill-treatment

43 Information relating to persons who lack capacity

44 Jurisdiction of District Court

45 Amendment of Schedules

46 Regulations

47 Savings and transitional provisions

FIRST SCHEDULE Lasting Powers of Attorney: Formalities

SECOND SCHEDULE Property and Affairs: Supplementary Provisions

THIRD SCHEDULE Savings and Transitional Provisions

Legislative Source Key

Legislative History

MENTAL CAPACITY ACT

(CHAPTER 177A)

(Original Enactment: Act 22 of 2008)

REVISED EDITION 2010

(31st March 2010)

An Act to make new provision relating to persons who lack capacity and to provide for matters connected therewith.

[1st March 2010]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Mental Capacity Act.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —

“clinical trial” means a clinical trial within the meaning of the Medicines Act (Cap. 176) or the Health Products Act (Cap. 122D);

“court” means the High Court;

“deputy” has the meaning given to it in section 20(2)(b);

“donee” has the meaning given to it in section 11(1);

“lasting power of attorney” has the meaning given to it in section 11;

“life-sustaining treatment”, in relation to a person, means treatment which, in the view of another person providing health care for that person, is necessary to sustain life;

“property” includes any thing in action and any interest in real or personal property;

“Public Guardian” has the meaning given to it in section 30;

“registered medical practitioner” means any person who is registered as a medical practitioner under the Medical Registration Act (Cap. 174);

“treatment” includes a diagnostic or other procedure;

“will” includes codicil.

(2) In this Act, references to making decisions, in relation to a donee of a lasting power of attorney or a deputy appointed by the court, include, where appropriate, acting on decisions made.

PART II

PERSONS WHO LACK CAPACITY

The principles

- 3.—(1) The following principles apply for the purposes of this Act.

(2) A person must be assumed to have capacity unless it is established that he lacks