

Care Homes Briefing

Solicitors

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Mental Capacity Act 2005: The provisions in force on 1 April 2007

Part of the Mental Capacity Act will come into force on 1 April 2007. The remainder is currently scheduled to come into force in October 2007, by which time the Code of Practice will have been finalised. Attached to this briefing is a summary overview of the provisions coming into force on 1 April 2007. This is intended as an easy reference guide and aide memoire for staff and may perhaps be usefully posted on appropriate notice boards.

In summary, the provisions that are coming into force on 1 April are:

1. The new Independent Mental Capacity Advocate Service (IMCA) in England only.
2. The new criminal offence of ill treatment or wilful neglect of a person lacking capacity.
3. The principles laid down in the Act and the Sections in the Act concerning assessment of capacity and determining best interests insofar as these relate to IMCAs and the new criminal offence.

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Readers are advised to take specific advice before acting in reliance on the matters set out in this briefing.

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