

## Countdown to the Mental Capacity Act 3 – Implementation Dates

Although the Mental Capacity Act received the Royal Assent in 2005, implementation of the Act was deferred.

The Government had initially announced that the Act would come into force in April 2007. However in December 2006 a new timetable was announced. This Briefing serves to confirm the new implementation dates.

### April 2007

The new Independent Mental Capacity Advocate service (IMCA) will become operational in England only (note it is not operational in Wales on that date).

Sections 1-4 of the Mental Capacity Act will also come into force on the same date. These include:

- The Mental Capacity principles.
- Assessment of capacity.
- Determining best interests.

These Sections come into force only in situations where an IMCA could be involved and in respect of the Criminal offence.

On 1 April the new Criminal offence of ill-treatment or wilful neglect will come into force in England and Wales.

### October 2007

All other parts of the Act are currently due to come into force in October 2007 and the IMCA service will come into force for Wales at the same time.

We will be continuing to provide countdown Briefings to the implementation of the Act. If in the meantime there is a need for assistance with training or drafting policies, please do not hesitate to contact us.

For more information on the Mental Capacity Act 2005, please contact the following:

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