

Mental Capacity Act Update

special edition | **April 2007**

Please circulate this update to anyone who you think may have an interest in the implementation of the Mental Capacity Act 2005, or who may be affected by this new law.

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NEW Mental Capacity Act Code of Practice formally issued

On 23 April 2007 the Lord Chancellor formally issued the Code of Practice for the Mental Capacity Act.

The Code should now be followed by those who must have regard to it:

- In situations where an Independent Mental Capacity Advocate (IMCA) is involved in England (the IMCA service does not become operational in Wales until October 2007).
- In relation to the criminal offence of ill treatment or wilful neglect.

It is also available as a good practice guide for all those working with or caring for people who may lack capacity including family, friends and unpaid carers. Once the rest of the Act's provisions come into force in October 2007, the Code will become statutory guidance for all of the Act.

The Code of Practice is available online at <http://www.dca.gov.uk/menincap/legis.htm#codeofpractice> and hard copies can be ordered from The Stationery Office by calling 0870 600 5522 or emailing customerservices@tso.co.uk.

NEW Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007 laid before Parliament

The Mental Capacity Act 2005 (Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian) Regulations 2007 were laid before Parliament on 17 April 2007. There are 48 regulations and 8 Schedules to the regulations. The Schedules contain the two forms for making a Lasting Power of Attorney for Property and Affairs and Personal Welfare. They also contain forms associated with the registration of an LPA and the registration of an EPA after 1 October 2007.

It will **not** be possible to make or register an LPA until 1 October 2007 although the forms and associated guidance will be available before then, subject to the views of Parliament.

For more information please go to <http://www.dca.gov.uk/menincap/legis.htm>.

Contact details

Communications Team
Public Guardianship Office
12th Floor Archway Tower
2 Junction Road
London N19 5SZ

tel: 0845 330 2900 (local call rate)
fax: 0870 739 5780
email: makingdecisions@dca.gsi.gov.uk
website: [www.dca.gov.uk/legal-policy/
mental-capacity/index.htm](http://www.dca.gov.uk/legal-policy/mental-capacity/index.htm)

This update is a joint communication from the Mental Capacity Implementation Programme whose members are: